



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 24]

शिमला, शनिवार, 7 अगस्त, 1976/16 आषाढ, 1898

[संख्या 32

विषय-सूची

भाग 1	वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि	1106-1116 तथा 1168
भाग 2	वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि	1116-1122 तथा 1168-1171
भाग 3	अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेंशियल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि	1123-1125
भाग 4	स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग	—
भाग 5	वैयक्तिक अधिसूचनाएं और विज्ञापन	1125
भाग 6	भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन	1125-1168
भाग 7	भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं	—
—	अनुपूरक	—

7 अगस्त, 1976/16 आषाढ, 1898 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. EXN. F. (18) 1/76 Pt. II, dated the 2nd August, 1976. No. Rev. 2-A (3) 3/76, dated the 29th July, 1976.	Excise and Taxation Department Rajsw Vibhag कार्यालय जिलाधीश, बिलासपुर	Corrigendum to Notification No. EXN.F (18) 1/76 Pt. II, dated the 23rd July, 1976. Draft rules entitled as the Himachal Pradesh Registration of Money Lenders, Rules, 1976. पंचायत समिति सदर के सहविकल्पित सदस्यों के नाम व पते।
नं० बी० एल० पी० 12-56/74-3277, दिनांक 26 जलाई, 1976.		
No. EXN. F. (18) 1/76, dated the 4th August, 1976.	Excise and Taxation Department	Appointment of Excise and Taxation Commissioner, Himachal Pradesh, to exercise the powers and perform the functions of the Commissioner under the Himachal Pradesh Taxation (on Certain Goods Carried by Road) Ordinance, 1976 (Ordinance No. 5 of 1976).
No. EXN. F. (18) 1/76, dated the 4th August, 1976.	-do-	Establishing certain barriers for collection of the tax under the Himachal Pradesh Taxation (on Certain Goods Carried by Road) Ordinance, 1976 (Ordinance No. 5 of 1976).
No. 6-21/73-LR. dated the 4th August, 1976.	Law Department	The Public Gambling (Himachal Pradesh Amendment) Act, 1976 (Act No. 30 of 1976).
No. LLR (6) 25/76, dated the 4th August, 1976.	-do-	The Code of Criminal Procedure (Himachal Pradesh Amendment) Ordinance, 1976 (Ordinance No. 6 of 1976).

भाग 1—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश हाई कोर्ट

NOTIFICATIONS

Simla-1, the 26th July, 1976

No. HHC/Admn. 6(23)/74-4170.—In exercise of the powers vested in him under rule 1.26 of the Himachal Pradesh Financial Rules Vol. I, the Hon'ble the Chief Justice is pleased to declare the Additional District Judge, Dharamsala (New Court for disposal of references from the awards of the Land Acquisition Officer, Talwara) and the following Subordinate Judges-cum-Judicial Magistrates as Head of Office and Drawing & Disbursing Officers in respect of the expenditure under major head "214-Administration of Justice, Himachal Pradesh" with immediate effect :—

Sr. No.	Name and designation of Court.	Headquarter
1.	2	3
1.	The Additional District Judge (Temporary Court), Dharamsala.	Dharamsala in Kangra District.
2.	The Subordinate Judge-cum-Judicial Magistrate, Simla (Temporary Court).	Simla.
3.	The Subordinate Judge-cum-Judicial Magistrate, Chopal, Simla, district.	Chopal in Simla District.
4.	The Subordinate Judge-cum-Judicial Magistrate, Dehra in Kangra district.	Dehra in Kangra District.
5.	The Subordinate Judge-cum-Judicial Magistrate, Nurpur in Kangra district.	Nurpur in Kangra District.
6.	The Subordinate Judge-cum-Judicial Magistrate, Chamba.	Chamba.

The above officers are also declared as Controlling Officers for the purpose of Travelling Allowance in respect of Class III and IV employees of their respective Courts.

S. S. KANWAR,
Registrar.

Simla-1, the 28th July, 1976

No. HHC Admn. 6(15)/74-4307.—In exercise of the powers vested in them by sub-sections 2 and 3 of section 11 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) and all other powers enabling them in this behalf, the Hon'ble the Chief Justice and Judges are pleased to appoint and confer the powers of Judicial Magistrate of the 2nd Class on the following Officers to be exercised by them within the local limits of the district noted against each with effect from the date they assume charge. The Hon'ble the Chief Justice and Judges are further pleased to specially empower all the Judicial Magistrates 2nd Class, to authorise

detention in the custody of the Police under sub-section 2(c) of section 167 of the Code.

Sr. No.	Name & designation and place of posting.	District
1.	Shri Jagan Nath Barowalia, Judicial Magistrate, Una.	Una district.
2.	Shri Joginder Lal Gupta, Judicial Magistrate, Kangra.	Kangra district.
3.	Shri Shamsher Singh, Judicial Magistrate, Chopal.	Simla district.
4.	Shri Inder Ram, Judicial, Magistrate, Nahan.	Sirmur district.
5.	Shri Moti Ram Chauhan, Judicial Magistrate, Chamba.	Chamba district.
6.	Shri Devi Dutt Sharma, Judicial Magistrate, Simla.	Simla district.
7.	Shri Rup Chand Sharma, Judicial Magistrate, Simla.	Simla district.
8.	Shri Maheshwar Dutt Sharma, Judicial Magistrate, Dehra.	Kangra district.
9.	Shri Vinod Kumar Gupta, Judicial Magistrate, Sarkaghat.	Mandi district.
10.	Shri Jai Lal Chauhan, Judicial Magistrate, Dharamsala.	Kangra district.
11.	Shri Ram Lal, Judicial Magistrate, Rampur Bushahr.	Simla district.

Simla-1, the 28th July, 1976

No. HHC/Admn. 6(24)/74-4358.—In exercise of the powers vested in them by sections 11 and 12 of the Himachal Pradesh Courts Act, 1976, the Hon'ble the Chief Justice and Judges are pleased to confer upon the following Officers the powers of Subordinate Judge 3rd Class to be exercised by them in original civil suit the value of which does not exceed Rs. 2,000 only, within the local limits of the district mentioned against each, with effect from the date they assume charge:—

Sr. No.	Name and designation of the Officer	District
1.	Shri Jagan Nath Barowalia, Subordinate Judge, Una.	Revenue district Una within civil district Hamirpur.
2.	Shri Joginder Lal Gupta, Subordinate Judge, Kangra.	Revenue district Kangra within civil district Kangra.
3.	Shri Shamsher Singh, Subordinate Judge, Chopal.	Revenue district Simla within civil district Simla.

Sr. No.	Name and designation of the Officer	District
4.	Shri Inder Ram, Subordinate Judge, Nahan.	Revenue district Sirmur within civil district Solan.
5.	Shri Moti Ram Chauhan, Subordinate Judge, Chamba.	Revenue district Chamba within civil district Kangra.
6.	Shri Devi Dutt Sharma, Subordinate Judge, Simla.	Revenue district Simla within civil district Simla.
7.	Shri Rup Chand Sharma, Subordinate Judge, Simla.	-do-
8.	Shri Maheshwar Datt Sharma, Subordinate Judge, Dehra.	Revenue district Kangra within civil district Kangra.
9.	Shri Vinod Kumar Gupta, Subordinate Judge, Sarkaghat.	Revenue district Mandi within civil district Mandi.
10.	Shri Jai Lal Chauhan, Subordinate Judge, Dharamsala.	Revenue district Kangra within civil district Kangra.
11.	Shri Ram Lal, Subordinate Judge, Rampur Bushahar.	Revenue district Simla within civil district Simla.

Simla-1, the 28th July, 1976

No. HHC/Admn. 6(1)/74-4231.—In exercise of the powers vested in them by sub-sections (2) and (3) of section 11 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) the Hon'ble the Chief Justice and Judges are pleased to appoint and confer upon Shri Keshav Chand Negi, Subordinate Judge-cum-Judicial Magistrate, 1st Class, Simla the powers of Judicial Magistrate, 1st Class to be exercised by him within the local limits of Karsog Tehsil of Mandi district with immediate effect.

By order,
S. S. KANWAR,
Registrar.

हिमाचल प्रदेश सरकार PERSONNEL (A-I) DEPARTMENT

NOTIFICATIONS

Simla-2, the 22nd July, 1976

No. 1-3/75-DP(APPTT.).—The Governor, Himachal Pradesh is pleased to order the following postings and transfers with immediate effect in public interest:—

- (1) Shri Surender Pal, H.A.S., Deputy Commissioner, R&R, Talwara is transferred and posted as Sub-Divisional Magistrate, Mandi, District Mandi (vacant post); and
- (2) Shri S. N. Joshi, H.A.S., presently posted as Leave/Training Reserve, Himachal Pradesh Institute of Public Administration, Fair-Lawns, Simla-171012, is transferred

and posted as Sub-Divisional Magistrate, Joginderanagar.

Simla-2, the 24th July, 1976

No. 1-15/73-DP(APPTT)-II.—In continuation of this Department notification of even number, dated the 20th July, 1976, the Governor, Himachal Pradesh is pleased to order that Shri S. K. Alok, I.A.S., Secretary (Education and Health & Family Planning) shall also continue to hold the additional charge of the post of Director of Agriculture, Himachal Pradesh, till further orders.

L. HMINGLIANA TOCHHAWNG,
Chief Secretary.

AGRICULTURE DEPARTMENT NOTIFICATIONS

Simla-2, the 2nd April, 1976

No. 23-88/69-Agr.(Sectt.).—The Governor, Himachal Pradesh is pleased to order the transfer of Shri Birendra Singh, Plant Protection Officer, Solan vice Shri Mahabir Singh, Plant Protection Officer, Simla who has been selected as Entomologist in Himachal Pradesh University. The Director of Agriculture, Himachal Pradesh will relieve the latter accordingly to enable him to join his assignment in the University.

The Governor, Himachal Pradesh is further pleased to order that District Agriculture Officer, Solan will hold the charge of the post of Plant Protection Officer, Solan in addition to his own duties till further orders.

Sd/-
Under Secretary.

Simla-2, the the 28th April, 1976

No. 16-55/74-Agr.(Sectt.).—The Governor, Himachal Pradesh is pleased to appoint Smt. Chanderkanta Sood, Lady Circle Supervisor of the Rural Integrated Development Department as Training Officer (Female) at Farmers Training Centre, Sundernagar, in the pay scale of Rs. 350—900 on deputation, purely as a temporary measure for a period of six months on the following terms and conditions:—

1. Her pay will be fixed according to rules. She however, will not be entitled for any deputation allowance;
2. Other allowances will be admissible in accordance with the orders of the Government as issued from time to time.
3. Other condition of service shall be the same as applicable to her in her parent department.

B. K. SHARMA,
Secretary.

Simla-171002, the 3rd May, 1976

No. 6-5/75-Agr.(Sectt.).—In supersession of notification No. 6-19/69-Agr.(Sectt.)-II, dated 29-1-1973, and in exercise of the powers vested in him under section 12 of the Insecticides Act, 1968 (Central Act No. 46 of 1968), the Governor, Himachal Pradesh is pleased to appoint the undermentioned officers of the Department

of Agriculture, Himachal Pradesh, as Licensing Officers with jurisdiction specified below against each:—

Serial No.	Designation	Jurisdiction
1.	Plant Protection Officer, Directorate of Agriculture, Himachal Pradesh Simla-5.	Simla and Kinnaur districts.
2.	Plant Protection Officer, at Solan.	Solan and Bilaspur districts.
3.	Plant Protection Officer, at Nahan.	Sirmur district
4.	Subject-matter Specialist (PP), I.A.D.P., Mandi	Mandi, Kulu and Lahaul & Spiti districts.
5.	Subject matter Specialist (PP), I.G.A.P., Palampur.	Kangra, Una, Hamirpur and Chamba districts.

The fees for licences are to be deposited under head "105-Agriculture,-Receipts from Licence fee of Pesticides."

Simla-171002, the 3rd May, 1976

No. 12-58/74-Agr.(Sectt.).—The Governor, Himachal Pradesh, is pleased to order that the T.A./D.A. to the non-official members of the District Level Committees constituted to look after agricultural production programme in the districts in accordance with Agriculture Department's letter No. 12-53/74-Agr. Sectt., dated the 23rd August, 1975, shall be paid as per Annexure 'A'. The bills will be countersigned by the Director of Agriculture, Himachal Pradesh, Simla.

2. The expenditure involved on the T.A./D.A. to the non-officials shall be debitable, as under:—

- | | |
|---|--|
| (1) Major Head 305-Agriculture (f) High Yielding Varieties Programme (f)(ii) IADP-District Level. | In respect of District Level Committees of Mandi, Kangra, Una and Hamirpur districts. |
| (2) 305-Agriculture (j) Extension and Farmers Training-(j)(1) Demonstration and Propaganda. | In respect of District Level Committees of Simla, Chamba, Kinnaur, Kulu, Bilaspur, Lahaul & Spiti, Solan and Sirmur districts. |

ANNEXURE 'A'

GRANT OF T.A./D.A. TO THE NON-OFFICIAL MEMBERS OF THE DISTRICT LEVEL COMMITTEES TO LOOK AFTER THE AGRICULTURAL PRODUCTION PROGRAMME

1. TRAVELLING ALLOWANCE:

(i) *Journey by rail*—Members other than members of Parliament.—They will be treated at par with Government servants of the first grade, and will be entitled to actual rail fare of the class of accommodation actually used but not exceeding the fare in which the Government servants of the First grade are normally entitled i.e. accommodation of the highest class by whatever name it may be called provided on the railway by which the journey is performed.

(ii) *Journey by road*.—They will be entitled to actual fare for travelling by taking a single seat in a public bus, and if the journey is performed by motor cycle/scooters, mileage allowance at 20 paise per km., and if the journey is performed by engaging full taxi/own car, the Members will be entitled to mileage allowance at 60

paise per km. (which rates are inclusive of elements of 33½ per cent increase for Himachal Pradesh).

(iii) In addition to the actual fare or mileage as per item (i) and (ii) above, a member shall draw daily allowance for the entire absence from his permanent place of residence starting with arrival at that place, at the same rate and subject to the same terms and conditions as apply to grade I officers of the State Government.

2. DAILY ALLOWANCE:

(i) non-official members be entitled to draw daily allowance for each day of the meeting at the highest rate as admissible to a Government servant of the first Grade for the respective locality.

(ii) In addition to daily allowance for the day(s) of the meeting, a Member shall also be entitled to daily allowance for halt on tour at out station in connection with the affairs of the Committee as under:—

- | | |
|---|-------|
| (a) If the absence from headquarters does not exceed 6 hours | 30% |
| (b) If the absence from Headquarters exceeds 6 hours but does not exceed 12 hours | 50% |
| (c) If the absence from headquarters exceed 12 hours. | Full. |

3. CONVEYANCE ALLOWANCE:

A member, resident at a place where the meeting of the Committee is held will not be entitled to travelling and daily allowances on the scales indicated above, but will be allowed only the actual cost of conveyance hire, subject to a maximum of Rs. 10.00 per day. Before, the claim is actually paid the controlling officer should verify the claims and satisfy himself after obtaining such details as may be considered necessary, that the actual expenditure was not less than the amount claimed.

If such a member used his own car, he will be granted mileage allowance at the rates admissible to officials of the First Grade subject to a maximum of Rs. 10.00 per day.

4. The travelling and daily allowances will be admissible to a member on production of a certificate by him to the effect that he has not drawn any travelling or daily allowance for the same journey and halts from any other Government source.

5. The members will be eligible for travelling allowance for the journeys actually performed in connection with the meetings of the Committee from and to the place of their permanent residence to be named in advance. If any member performs a journey from a place other than the place of his permanent residence to attend a meeting of the Committee or returns to the place other than the place of his permanent residence after the termination of the meeting, travelling allowance shall be worked out on the basis of the distance actually travelled or the distance between the place of permanent residence and the venue of the meeting whichever is less.

6. MEMBER OF VIDHAN SABHA:

The non-official members who are members of the Vidhan Sabha shall be entitled to T.A./D.A. in respect of journeys performed in connection with the work of the Committee on the scale as is admissible to them under Salaries and Allowances of Members of Legislative Assembly Act as amended from time to time.

7. The members will not be entitled to daily allowance in connection with their assignment, when the Vidhan Sabha or the Vidhan Sabha Committee on which the members are serving is in session as they will be drawing their daily allowance under the Salaries and Allowances of Members of the Legislative Assembly (H.P.), Act, 1971, from the Vidhan Sabha. However, if they certify, that they were prevented from attending the session of the House or the Vidhan Sabha Committee and did not draw any daily allowance from the Vidhan Sabha, they would be entitled to daily allowance at the rate as prescribed.

8. The provisions of rule 4.17 and 6.1 of the Himachal Pradesh Treasury Rules will apply *mutatis mutandis* in the case of over payment made on account of Travelling Allowance to non-official members.

9. The member will also not draw T.A. and D.A. including conveyance allowance which will disqualify them from the Vidhan Sabha.

By order,
B. K. SHARMA,
Secretary.

Simla-171002, the 5th May, 1976

No. 38-26/74-Agr.(Sectt.).—Whereas it appears to the Governor of Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose namely for the construction/establishment/development of model market at Paonta Sahib, in Sirmur district, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Governor of Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Further, in exercise of the powers under section 17(4) of the said Act, the Governor of Himachal Pradesh is pleased to direct that it being a case of urgency the provision of section 5-A will not apply in regard to this acquisition.

SPECIFICATION

District: SIRMUR Tehsil: PAONTA SAHEB.

Village	Khas ra No.	Area Big. Bis.
SHAMSHERPUR	64	2 18
	Total	2 18

B. K. SHARMA,
Secretary.

Simla-171002, the 24th July, 1976

No. 20-6/70-Agr.(Sectt.)-II.—In partial modification of this department notification of even number, dated 4-2-1976, the Governor of Himachal Pradesh, in exercise of the powers vested in him by virtue of section 3 of the Himachal Pradesh Agricultural Produce Market Act,

1969 (Act No. 9 of 1970), is pleased to substitute para 5 of the aforesaid notification by the following para :—

‘The expenditure involved on the travelling allowance and daily allowance of the non-official members will be met out of the funds of the Himachal Pradesh Marketing Board’.

This issues with the concurrence of the Finance Department obtained *vide* their Dy. No./U.O. No. 1295-11-10/74-Fin. (Reg.), dated 25-5-1976.

By order,
B. K. SHARMA,
Secretary.

FOREST DEPARTMENT

NOTIFICATIONS

Simla-171002, the 24th July, 1976

No. Fts. (F) 6-5/76.—The Governor, Himachal Pradesh is pleased to constitute “Co-ordination Committee for the Plantation Programme” in order to provide guidance at State Level in the implementation of the plantation programme, as under :—

1. Chief Minister, Himachal Pradesh .. Chairman.
2. Chief Secretary, Himachal Pradesh .. Member.
3. All Secretaries to the Government of Himachal Pradesh. .. Members.
4. Chief Conservators of Forests (South) and (North), H.P. .. Members.
5. Horticulture Advisor, Himachal Pradesh. .. Member.
6. Director of Horticulture, H.P. .. Member.
7. Director of Agriculture, H.P. .. Member.
8. Director of Animal Husbandry, H.P. .. Member.
9. Secretary (Forests) to the Government of Himachal Pradesh. .. Member-Secretary.

ANANG PAL,
Secretary.

Simla-2, the 24th July, 1976

No. Fts. (A)7-3/76.—In exercise of the powers conferred by clause (a) of section 30 of the Indian Forest Act, 1927 (16 of 1927) and in supersession of all the notifications previously issued in this behalf, the Governor of Himachal Pradesh is pleased to declare the following species of trees as reserved in all protected forests of Himachal Pradesh w.e.f. its publication :—

S. No.	Common name	Local name	Botanical name
		Conifers	
1.	Chil	Chil	Pinus roxburghii
2.	Blue pine	Kail	Pinus wallichiana
3.	Deodar	Diar, Kelo	Cedrus deodara
4.	Spruce	Rai	Picea Smithiana
5.	Fir	Tosh	Abies pindrow
6.	Chilgoza	Neoza	Pinus gerardiana
7.	Yew	Rakhal	Taxus baccata
8.	Cypress	Devdiar	Cupressus torulosa
9.	Pencil cedar	Shur, Shupa	Juniperus macro-poda.

Broad Leaved

10. Walnut Akhrot, Khor Juglans regia
11. Ash Sanuh, Argu Fraxinus spp.
12. Maple Kanju Acer spp.

Sr. Common name Local name Botanical name

**FOREST FARMING & ENVIRONMENTAL
DEPARTMENT**

NOTIFICATION

Simla-171002, the 26th July, 1976

No. 2-3/75-SF (Estt.).—In continuation of Notification of even number, dated 24/25-10-75 the Governor of Himachal Pradesh is pleased to confirm Shri Hoshiar Singh, HPFS Class-II in the scale of Rs. 350—900, on the recommendations of the Departmental Promotion Committee with effect from 31-12-74.

ANANG PAL,
Secretary (Forests).

**GENERAL ADMINISTRATION DEPARTMENT
(SECTION-D)**

NOTIFICATION

Simla-171002, the 22nd July, 1976

No. A. 3-7/75-GAD (Pub).—In pursuance of paragraph 5.5 Chapter I of Vigilance Manual and with the prior concurrence of the Vigilance Department, the Governor, Himachal Pradesh is pleased to appoint Shri S. K. Bedi, Deputy Director (P. R.) as *Ex-officio* Vigilance Officer in respect of the Department of Public Relations, Himachal Pradesh vice Shri C. S. Panwar, who has since been promoted as Director of Public Relations, with immediate effect.

L. HMINGLIANA TOCHHAWNG,
Chief Secretary.

HOME DEPARTMENT

NOTIFICATIONS

Simla-171002, the 23rd July, 1976

No. Hom (A)-B (8)-3/76.—In continuation of this Department notification of even number, dated 26-4-1976, the Governor of Himachal Pradesh is pleased to further permit Shri Kali Dass, Police Radio Officer to continue as such upto 31-7-1976.

2. The Governor of Himachal Pradesh is further pleased to order that Shri Kali Dass, Police Radio Officer shall retire from Government service on attaining the age of superannuation with effect from 1-8-1976 (F. N.).

Simla-171002, the 23rd July, 1976

No. Home (A)-B (8)-3/76.—The Governor of Himachal Pradesh is pleased to appoint Shri V. Samuel, Police Radio Officer, as Deputy Superintendent of Police (Cryptography) for a period of one month i.e. from 1-7-1976 to 31-7-1976 in the leave vacancy of Shri T. N. Bali, Deputy Superintendent of Police (Cryptography).

By order,
L. HMINGLIANA TOCHHAWNG,
Chief Secretary.

By order,
ANANG PAL,
Secretary.

Simla-171002, the 24th July, 1976

No. Fts. (F) 6-5/76.—The Governor, Himachal Pradesh is pleased to constitute a committee to examine the present laws relating to Forest and to make recommendation for the consideration of the State Government. These recommendations will be forwarded to the Government of India for their consideration while reviewing the existing Forest Laws, as under:—

1. Financial Commissioner, Himachal Pradesh. .. *Chairman.*
2. Secretary (Forests), Himachal Pradesh .. *Member.*
3. Secretary (Law), Himachal Pradesh .. *Member.*
4. Chief Conservators of Forests, Himachal Pradesh. .. *Convener.*

ANANG PAL,
Secretary.

HEALTH & FAMILY PLANNING DEPARTMENT

NOTIFICATIONS

Simla-171002, the 14th July, 1976

No. 11-14/75-H&FP.—In exercise of the powers conferred upon him under Rule 19 of the Himachal Pradesh Health Services Rules, 1974, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission and in relaxation of the provisions of Rule 9 (7) read with para (f) of second schedule and Annexure I of the Himachal Pradesh Health Service Rules, 1974 is pleased to appoint Dr. (Miss) K. K. Sood, Gynaecologist, Ripen Hospital, Simla as Assistant Professor in Obstetrics and Gynaecology on deputation basis for a period of two years with effect from 1st April, 1976.

B. B. TANDON,
Secretary.

Simla-171002, the 24th July, 1976

No. 11-5/72-H&FP.—In exercise of the powers conferred by section 9 of the Prevention of Food Adulteration Act, 1954 (37 of 1954) read with Rule 8 of the Prevention of Food Adulteration Rules, 1955, the Governor, Himachal Pradesh is pleased to appoint the following Government Food Inspectors in addition to their own duties, within the jurisdiction shown against each with immediate effect:—

Sl. No.	Seniority No.	Name and designation of the Officer/Official	Jurisdiction
1.	—	Deputy Director of Health Services (Public Health)	Whole of Himachal Pradesh.
2.	—	All the Chief/Deputy Chief Medical Officers in Himachal Pradesh.	All the local areas falling in their respective district of posting.
3.	—	All Medical Officers of Health in Himachal Pradesh.	-do-
4.	—	All Medical Officers, Incharges of Primary Health Centres/Units and Civil Hospital.	All the local areas falling within their respective jurisdiction.
5.	—	Shri Dewaki Nandan Sharma, Food Inspector.	All the local areas situated in the district of posting.
6.	3.	Om Parkash Sharma, S. I.	-do-
7.	9	K. P. Garg, S. I.,	-do-
8.	10	Home Chand S. I.	-do-
9.	15	J. K. Patyal, S. I.	-do-
10.	18	Gian Chand Sharma, S. I.	-do-
11.	20	Suresh Chand Kapoor, S. I.	-do-

1	2	3	4
12.	23	Dewarka Dass, S. I.	All the local areas situated in the district of posting.
13.	26	Kanwar Prem Chand, S. I.	-do-
14.	29	Ram Parkash, S. II,	-od-
15.	36	Chakkar Bhan Sharma, S. I.	-do-
16.	42	Jagat Ram, S. I.	-do-
17.	45	Bikkar Singh, S. I.	-do-
18.	46	P. L. Dang, S. I.	-do-
19.	47	K. R. Barwal, S. I.	-do-
20.	54	Ram Chand, S. I.	-do-
21.	60	Prem Singh Verma S. I.	-do-
22.	65	Tarlok Singh, S. I.	-do-
23.	83	Brij Lal Justa, S. I.	-do-
24.	120	Subash Chand, S. I.	-do-
25.	—	Medical Officer of Health Municipal Corporation, Simla.	Local area within the limits of Municipal Corporation, Simla.
26.	—	Yudishter Lal.	-do-

2. In exercise of the powers conferred by section 20 of the Prevention of Food Adulteration Act, 1954, (No. 37 of 1954) the Governor, Himachal Pradesh, is further pleased to authorise the above mentioned Food Inspectors to institute prosecutions against the persons committing offences under the said Act within the limits of their respective local area/areas.

3. This Notification supersedes all the previous notifications issued in this behalf.

By order,
S. K. ALOK,
Secretary.

LANGUAGES AND CULTURAL AFFAIRS DEPARTMENT

NOTIFICATIONS

Simla-171002, the 22nd July, 1976

No. LCA-A (4)-66/75.—The Governor, Himachal Pradesh is pleased to make the following amendment in the constitution of the Himachal Pradesh Academy of Arts, Culture and Languages notified *vide* this Government Notification No. 8-9/71-LWP (Lang), dated the 14th April, 1971:—

In article 7.

(a) The existing sub-clause (b) of clause 12 be substituted by the following:—

“Director of Languages and Cultural Affairs”.

(b) After sub-clause (c) the following shall be substituted as sub-clause (d):—

“(d) The Chairman, Himachal Pradesh Board of School Education, Simla”.

The amendment at serial No. 1 above will have effect from 1-6-74.

By order,
R. C. GUPTA,
Secretary.

Simla-171002, the 26th July, 1976

No. LCA-B(6)-3/76.—The Governor, Himachal Pradesh is pleased to appoint Miss Daljeet Kaur as Registering Officer on deputation for a period of one year in the scale of Rs. 350-25-500-30-800-EB-830-35-900 with effect from the date she was relieved by the Temple Survey Project (North), Bhopal with her headquarter at Dharamsala.

2. Miss Daljeet Kaur will be entitled to transfer Travelling Allowance and joining time as admissible to Himachal Pradesh Government employees.

S. K. ALOK,

Secretary.

PUBLIC WORKS DEPARTMENT

NOTIFICATIONS

Simla-171002, the 25th June, 1976

No. 9-13/73-PW(B).—Whereas it appears to the Governor, Himachal Pradesh that land is required to be taken by Government at public expense for a public purpose namely for construction of Dehrad Ghatti road km. 16/1700 to 43/1350, it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894, to all whom at may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of any land in the locality may within 30 days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, H.P.P.W.D., Kangra.

SPECIFICATION

District: KANGRA

Tehsil: DEHRA

Mauza 1	Tika 2	Khasra No. 3	Area	
			K.	M.
			4	5
DADA	DADA	5/2	0	3
KHAS.	KHAS	6/2	0	2
		9/2	0	2
		8/2	0	3
		10/2	0	2
		11/2	0	6
		12/2	0	6
		55/2	0	6
		61/2	3	18
		71/2	0	1
		90/2	0	1
		92/2	0	1
		93/2	3	11
		94/1/2	1	9
		95/2	0	17
		56/2	0	17
		81/2	0	4
Total ..			12	9

	1	2	3	4	5
KULEHAR DADA	647/1			0	7
	652/1-			0	2
	653/1			0	5
	654/1			0	2
	655/1			0	3
	657/1			0	8
	677/1			1	5
	730/678/1			0	5
	732/678/1			0	14
	682/1			0	10
	770/683/1			0	10
	679/1/1			1	1
	685/1			1	14
	769/683/1			0	3
	771/684/1			0	5
	646/1			0	4
	622/1-			0	0
Total ..				8	2
DADA BAN DADA	7/2			14	0
	15/2			9	16
	17/2			1	7
	23/2			4	12
	39/2			6	13
	40/2			1	7
	44/2			2	6
	64/45/2			0	15
	65/45/2			6	16
	66/46/2			0	2
	67/46/2			8	13
	48/2			3	3
	49/2			6	4
Total ..				65	14
KASBA	KASBA	5/2		0	2
KHAS	KHAS	9/2		0	11
		10/2		1	7
		13/2		0	8
		14/2		0	4
		15/2		0	15
		418/19/2		0	4
		419/19/2		0	10
		421/19/2		0	0
		21/2		3	2
		33/2		0	11
		35/2/2		0	15
		35/1/2		2	10
		35/3		1	8
		36/2		0	5
		37/2		1	9
		39/2		0	8
		40/2		4	11
		42/2		0	5
		608/43/2		1	18
		612/45/2		1	19
		614/46/2		0	17
		47/2		2	19
		48/2		0	8
		48/4		0	7
		49/1/2		0	10
		49/2/2		0	12
		310/2		0	16
		318/2		5	14
		325/2		7	14
		329/2		3	9
		333/2		3	17
		336/2		0	18
		337/2		1	0

1	2	3	4	5	1	2	3	4	5	
		338/2	0	1			30/2	5	13	
		340/2	0	19			33/1	0	13	
		341/2	1	11			1325/34/1	1	4	
		343/2	2	0			38/2	1	12	
		345/2	4	5			39/1	0	3	
		349/2	1	17			40/2	0	3	
		361/2	2	0			42/1	1	4	
		364/2	1	10			115/2	0	3	
		366/2	1	15			175/1	0	2	
		367/2	4	15			178/2	0	9	
		368/2	3	11			181/2	0	6	
		372/2	3	13			183/2	1	17	
		372/4	1	13			185/2	3	5	
		373/2	2	2			208/1	0	10	
		382/2	6	5			210/2	0	9	
		605/1/2	3	0			211/2	0	18	
		Total ..	93	10			212/2	1	6	
							213/2	3	5	
							214/2	1	14	
UGRALA	UGRALA	3/2	0	8			219/2	4	8	
		6/2	4	13			220/2	1	6	
		12/2	0	4			240/2	0	4	
		13/2	2	16			242/2	0	11	
		14/2	1	15			249/2	0	3	
		23/2	0	12			241/1/2	8	19	
		24/2	0	4			241/2/2	1	14	
		25/2	0	15			1146/44/2	1	5	
		27/2	1	0			1161/182/1	0	1	
		28/2	2	3			1162/182/2	1	19	
		32/2	0	10			1163/184/2	1	0	
		Total ..	15	0			1164/184/1	0	4	
							1240/31/1	0	9	
BANURI	BANURI	134/2	6	16			1242/31/2	3	13	
		135/2	4	8			1328/45/1	2	5	
		136/2	0	16			Total ..	58	15	
		138/2	6	16						
		139/2	5	3			REL. BANKALOT	59/27/2	15	11
		140/1/2	7	13				29/2	10	13
		152/2	20	10				31/2	5	18
		171/1/2	0	18				Total ..	32	2
		189/2	2	6						
		180/2	10	8				Grand Total ..	395	16
		182/2	4	9						
		183/1/2	5	14						
		Total ..	75	17						
MEHRA	MEHRA	12/2	0	15						
		14/2	11	5						
		201/15/2	1	18						
		201/15/3	0	5						
		16/2	0	8						
		17/2	0	18						
		200/15/2	0	3						
		19/2	3	17						
		23/2	10	19						
		24/2	0	18						
		25/2	1	14						
		34/2	1	7						
		Total ..	34	7						
LUGG	LUGG	9/1	0	6						
		10/2	2	16						
		11/2	0	3						
		14/2	1	0						
		15/2	1	12						
		18/2	0	3						

Simla-171002, the 6th July, 1976

No. 9-13/73-PWB.—Whereas it appears to the Governor of Himachal Pradesh that land is likely to be required to be taken by Government at public expense for a public purpose namely for construction of Meclodganj Bhagsunath Road K.M. No. 0/0 to 1/40 in Tehsil and District Kangra (Himachal Pradesh). It is hereby notified that the land in the locality described below is likely to be required for the above purpose.

This Notification is made under the provision of section IV of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Governor, Himachal Pradesh is pleased to authorise the officer for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality, and do all other acts required or permitted by that section.

Simla-171002, the 6th July, 1976

No. 9-13/73-PWB.—Whereas it appears to the Governor of Himachal Pradesh that land is likely to be required to be taken by Government at public expense for a public purpose namely for construction of Meclod-ganj Bhagsunath Road K.M. No. 0/0 to 1/40 in Tehsil and District Kangra (Himachal Pradesh). It is hereby notified that the land in the locality described below is likely to be required for the above purpose.

This Notification is made under the provision of section IV of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Governor, Himachal Pradesh is pleased to authorise the officer for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality, and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within 30 days of the publication of this notification file an objection in writing before the Land Acquisition Collector, Himachal Pradesh Public Works Department, Kangra.

SPECIFICATION

District: KANGRA

Tehsil: KANGRA

Mauza 1	Tikka 2	Khasta No. 3	Area K. M.	
			4	5
DHARAM- MEC-	691/1		0	3
SALA. LODGANJ.	692/1		0	2
	697/1		0	5
	698/1		0	1
	711/1		0	8
	712/1		0	1
	713/1		0	19
	714/1		0	1
	715/1		0	7
	716/1		0	1
	718/1		0	13
	274/1		0	2
	821/277/1		0	2
	820/277/1		0	1
	279/1		0	1
	280/1		0	1
	346/1		0	1
	348		0	1
	349/1		0	1
	683/1		0	6
	682/1		0	3
	681/1		0	1
	676/1		0	1
	680/1		0	15
	675/1		0	3
	673/1		0	1
	671/1		0	12
	668/1		0	1
	667/1		0	15
	717		7	5
	684		2	14
Total			16	8
-do- BHAGSU-	646/1		1	6
NATH	290/1		0	3
	305/1		0	4
	298/1		0	1
	447/1		0	13
	445/1		0	5
	313/1		0	5
	312/1		0	1
	309/1		0	3
	311/1		0	3
	317/1		0	6
	307/1		0	3
	302/1		0	6
	215/1		0	1
	438/1		0	1
	301/1/1		0	1
	316/1		0	1
	306		9	19
	158		1	15
Total			15	17
Grand Total			32	5

Simla-171002, the 21st July, 1976

No. 9-12/73-PW(B).—Whereas it appears to the Governor, Himachal Pradesh, that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Nagaon-Beri Road, it is hereby declared that the land described in the specification below is required for the above purpose.

2: The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the Office of the Collector, Land Acquisition, Himachal Pradesh, P. W. D., Simla U. S. Club, Simla-1.

SPECIFICATION

District: BILASPUR

Tehsil: SADAR

Village 1	Khasra No. 2	Area Big. Bis.	
		3	4
SOLDWA/80	129/1	0	2
	75	3	12
	82	6	7
	128	11	16
	155	0	10
	156/1	1	1
Total..	6	23	8
KOTHI HARDI	18/1	0	15
Total..	1	0	15
GHUMARWIN/88	515/1	4	15
	516/1	1	14
	517/1	2	3
Total..	3	8	12
CHARAHU	58/1	0	3
	74	2	2
	47	3	6
	56	0	16
	59/1	0	2
	57	0	4
	55	0	2
	54	0	1
	77	1	15
	117	1	14
	121	7	2
	132	5	4
	143	0	0
	148	2	3
Total..	14	25	0
MALOTHI/72	243	92	3
Total..	243	92	3

1	2	3	4	5
CHHAKOH	372/1	5	13	
Total..	1	5	13	
SADAR MAINS/76	12/1	1	14	
	102/1	2	17	
Total..	2	4	11	
MALOKHAR	193	12	5	
	436	13	8	
	140/1	0	5	
Total..	3	25	18	

District: SOLAN

Tehsil: ARKI

NAGAON	290/1	0	1
	344/1	0	7
	345/1	0	4
	343/1	4	13
	346/1	0	4
	291/1	0	1
	338/347/1	1	11
	314/1	1	8
	227/1	1	11
	225/1	3	9
	308/1	0	7
	292/1	3	12
	294/1	1	4
	295/1	0	6
	295/2	1	11
	300/1	3	2
	299/1	1	10
	301/1	1	15
	301/3	0	6
	303/1	2	1
	359/1	8	2
	302/1	2	19
	313/1	1	8
	226	0	10
	287/1	0	2
	326/1	0	4
	358/1	1	19
	321/1	0	14
	228/1	0	10
Total..	29	45	01

By order,
GANGESH MISRA,
Commissioner-cum-Secretary.

REVENUE DEPARTMENT

NOTIFICATIONS

Simla-2, the 22nd July, 1976

No. 2-27/73-Rev.I.—In exercise of the powers vested in him under clause (b) of sub-section (1) of section 28 of the Himachal Pradesh Land Revenue Act, 1953 (Act No. 6 of 1954), and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer on the following officers, all the powers of an Assistant Collector, First Grade under the said Act to be exercised by

them within the local limits of their respective jurisdictions as specified against each, from the date they took over the charge of the post:—

Name of officer	Area of jurisdiction
1. Sh. Gurbax Rai Sub-Divisional Officer (Civil) Una, District. Una.	Una Sub-Division
2. Sh. Netar Mani, Sub-Divisional Officer (Civil) Nichar, District Kinnaur.	Nichar Sub-Division.
3. Sh. N. K. Misra, Sub-Divisional Officer (Civil) Kalpa, District Kinnaur.	Kalpa Sub-Division.
4. Smt. Usha Rani Mittoo, Sub-Divisional Officer (Civil) Arki, District Solan.	Arki Sub-Division.

Simla-2, the 22nd July, 1976

No. 2-27/73-Rev. I.—In exercise of the powers vested in him under section 3 (2) of the Punjab Restitution of Mortgaged Lands Act, 1938, and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to specially empower the following officers, who are Assistant Collectors of the first grade, to perform the duties of a Collector for the purposes of the said Act to be exercised by them within the local limits of their respective jurisdictions as specified against each, from the date they took over the charge of the post:—

Name of officer	Area of jurisdiction
1. Sh. Gurbax Raj, Sub-Divisional Officer (Civil) Una, District Una.	Una Sub-Division
2. Sh. Netar Mani, Sub-Divisional Officer (Civil) Nichar, District Kinnaur.	Nichar Sub-Division
3. Sh. N. K. Misra, Sub-Divisional Officer (Civil) Kalpa, District Kinnaur.	Kalpa Sub-Division
4. Smt. Usha Rani Mittoo, Sub-Divisional Officer (Civil) Arki, District Solan.	Arki Sub-Division

Simla 2, the 22nd July, 1976

No. 2-27/73-Rev. I.—In exercise of the powers vested in him under section 3(c) of the Land Acquisition Act, 1894, and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer on the following officers, all the powers

of a Collector under the said Act to be exercised by them within the local limits of their respective jurisdictions as specified against each from the date they took over the charge of the post:—

Name of officer	Area of jurisdiction
1. Sh. Gurbax Rai, Sub-Divisional Officer (Civil) Una, District Una.	Una Sub-Division
2. Sh. Netar Mani, Sub-Divisional Officer (Civil) Nichar, District Kinnaur.	Nichar Sub-Division
3. Sh. N. K. Misra, Sub-Divisional Officer (Civil) Kalpa, District Kinnaur.	Kalpa Sub-Division
4. Smt. Usha Rani Mittoo, Sub-Divisional Officer (Civil) Arki, District Solan.	Arki Sub-Division.

Simla-2, the 22nd July, 1976

No. 2-27/73-Rev. I.—In exercise of the powers vested in him under clause (a) of sub-section (1) of section 28 of Himachal Pradesh Land Revenue Act, 1953 (Act No. 6 of 1954), and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer on the following officers, all the powers of a Collector under the said Act, to be exercised by them within the local limits of their respective jurisdictions as specified against each, subject to the control of the Collector of the district, from the date they took over the charge of the post:—

Name of officer	Area of jurisdiction
1. Sh. Gurbax Rai, Sub-Divisional Officer (Civil) Una, District Una.	Una Sub-Division
2. Sh. Netar Mani, Sub-Divisional Officer (Civil) Nichar, District Kinnaur.	Nichar Sub-Division
3. Sh. N. K. Misra, Sub-Divisional Officer (Civil) Kalpa, District Kinnaur.	Kalpa Sub-Division
4. Smt. Usha Rani Mittoo, Sub-Divisional Officer (Civil) Arki, District Solan.	Arki Sub-Division

By order,
P. K. MATTOO,
Secretary.

भाग 2—बैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं
इत्यादि

AGRICULTURE DEPARTMENT

NOTIFICATION

Mandi, the 23rd March, 1976

No Agr. M 3-8/74-2995.—Whereas the District Land Development Committee of Mandi district has prepared the Land Development Schemes under section 4 of the Himachal Pradesh Land Development Act, 1973 in respect of the area given against each schemes indicated in the list attached.

And whereas the State Government keeping in view the consent of the persons aforesaid and after consideration the Committee has sanctioned the schemes under section 5(2) of the said Act, in the meeting held on 6th March, 1976.

Now, therefore, the schemes sanctioned by the Committee under section 5(2) are hereby published in the Rajpatra Himachal Pradesh for the information of all concerned as required by section 6 of the said Act, and it shall come into force immediately.

LIST OF SOIL CONSERVATION SCHEMES OF MANDI SUB-DIVISION FOR THE YEAR, 1975-76

Sr. No.	Scheme No.	Name of beneficiary	Village	Area	Estt. cost Rs.	Loan Rs.	Subsidy Rs.
1	2	3	4	5	6	7	8
TEHSIL SADAR (AREA UNDER R.V.P.)							
1.	SDR/MDI/76/75-76	Shri Khania Lal	Beer	0.90 acre	1,440	720	720
2.	SDR/MDI/77/75-76	Shri Ser Singh	Baggi	0.75 acre	1,124	562	562
3.	SDR/MDI/78-75-76	Shri Subhas Chand	Hiun	1.63 acres	2,300	1,150	1,150
4.	SDR/MDI/79/75-76	Shri Sobha Ram	Arthi	0.76 acre	1,140	570	570
5.	SDR/MDI/80/75-76	Shri Shankar	Banna	0.54 hect.	2,020	1,010	1,010
6.	SDR/MDI/81/75-76	Shri Dhungal	Luhakhar	0.30 hect.	750	375	375
7.	SDR/MDI/82/75-76	Shri Jogi Ram	Arthi	0.21 hect.	786	393	393
8.	SDR/MDI/83/75-76	Shri Bhikham Ram	Gharayatar	0.28 hect.	700	350	350

1	2	3	4	5	6	7	8
9.	SDR/MDI/84/75-76	Shri Narotam Ram	Leda	1.10 acres	1,100	550	550
10.	SDR/MDI/85/75-76	Shri Sauju	Trayambla	0.24 hect.	600	300	300
11.	SDR/MDI/86/75-76	Shri Durga Dutt	Lada	0.40 hect.	1,500	750	750
12.	SDRMDI/87/75-76	Shri Kahanu	Trayambla	0.70 acre	1,050	525	525
13.	SDRMDI/88/75-76	Shri Tulsu Ram	Samlon	1.47 acres	1,470	735	735
14.	SDR/MDI/89/75-76	Shri Nihal Singh	Dudar	0.76 hect.	2,850	1,425	1,425
15.	SDR/MDI/90/75-76	Shri Kepoor Chand	Leda	0.32 hect.	820	410	410
16.	SDR/MDI/91/75-76	Shri Demba Ram	Balwani	0.55 hect.	1,370	685	685
17.	SDR/MDI/92/75-76	Shri Mahant Ram	Dhangoo	0.75 hect.	1,870	935	935
18.	SDR/MDI/93/75-76	Shri Labh Singh	Leda	1.26 acres	1,260	630	630
19.	SDR/MDI/94/75-76	Shri Surjan Singh	Luhardi	1.26 acres	1,890	945	945
20.	SDR/MDI/95/75-76	Shri Sant Ram Verma	Deshera	0.80 acre	1,200	600	600
21.	SDR/MDI/96/75-76	Shri Dagu	Bhaut	1.37 acres	2,050	1,025	1,025
22.	SDR/MDI/97/75-76	Shri Ram Lal	Leda	1.29 acres	1,930	965	965
23.	SDR/MDI/98/75-76	Shri Krishanu	Leda	1.87 acres	2,800	1,400	1,400
24.	SDR/MDI/99/75-76	Shri Sadh	Leda	1.14 acres	1,720	860	860
25.	SDR/MDI/100/75-76	Shri Brestu	Leda	1.17 acres	1,750	875	875
26.	SDR/MDI/101/75-76	Shri Durga	Chhajwali	0.60 acre	900	450	450
27.	SDR/MDI/102/75-76	Shri Singh Ram	Tarimbla	1.23 acres	1,840	920	920
28.	SDR/MDI/103/75-76	Shri Parm Deve	Khakhiriana	0.21 acre	210	105	105
29.	SDR/MDI/104/75-76	Shri Purn Singh	Busehar	1.00 hect.	2,520	1,260	1,260
30.	SDR/MDI/105/75-76	Shri Duni Chand etc.	Gol	1.60 hect.	4,000	2,000	2,000
31.	SDR/MDI/106/75-76	Shri Hem Singh	Trymbu	1.40 acres	2,100	1,050	1,050
32.	SDR/MDI/107/75-76	Smt. Prajnu	Baloh	1.20 acres	1,800	900	900

TEHSIL SUNDERNAGAR (UNDER RIVER VALLEY PROJECT)

1.	SNG/RVP/MDI/66/75-766	Shri Hiru	Als	0.40 hect.	1,500	750	750
2.	SNG/RVP/MDI/67/75-76	Shri Bardu	Bhantrehar	0.40 hect.	1,500	750	750
3.	SNG/RVP/MDI/67-A/75-76	Shri Daya Ram etc.	Barol	0.26 hect.	650	325	325
4.	SNG/RVP/MDI/68/75-76	Shri Bangi Ram	Tihri	0.13 hect.	480	240	240
5.	SNG/RVP/MDI/69/75-76	Shri Basant Ram	Dharanda	0.48 hect.	1,800	900	900
6.	SNG/RVP/MDI/70/75-76	Shri Hiru Ram	Dehar	0.26 hect.	975	487.50	487.50
7.	SNG/RVP/MDI/71/75-76	Shri Ranjit Singh	Barol	0.34 hect.	1,274	637	637
8.	SNG/RVP/MDI/72/75-76	Shri Sukh Ram	-do-	0.29 hect.	1,100	550	550
9.	SNG/RVP/MDI/73-75-76	Shri Garja Ram	Sohar	0.53 hect.	1,982	991	991
10.	SNG/RVP/MDI/74/75-76	Shri Mahant etc.	Bhantrehar	0.89 hect.	2,230	1,115	1,115
11.	SNG/RVP/MDI/75/75-76	Shri Nand Lal etc.	Jarol	0.75 hect.	2,812	1,406	1,406
12.	SNG/RVP/MDI/76/75-76	Shri Narain Singh	Kalahod	0.67 hect.	1,700	850	850
13.	SNG/RVP/MDI/77/75-76	Shri Jiwa Nand	Maloh	1.80 hect.	2,700	1,350	1,350
14.	SNG/RVP/MDI/78/75-76	Shri Titlu	Chandru	0.48 hect.	1,800	900	900
15.	SNG/RVP/MDI/79/75-76	Shri Sant Ram	Choari	0.53 hect.	1,950	975	975
16.	SNG/RVP/MDI/80/75-76	Shri Krishan Lal	Pathkan	0.79 hect.	2,960	1,480	1,480
17.	SNG/RVP/MDI/81/75-76	Shri Besria	Samor	0.22 hect.	800	400	400
18.	SNG/RVP/MDI/82/75-76	Shri Chhitru	Kunela	0.21 hect.	790	395	395
19.	SNG/RVP/MDI/83/75-76	Shri Bhagat	Ghor	0.42 hect.	1,570	785	785
20.	SNG/RVP/MDI/84/75-76	Shri Janki etc.	Nalni	0.30 hect.	1,125	575	575
21.	SNG/RVP/MDI/85/75-76	Shri Lachhman	Tihri	0.46 hect.	1,720	860	860
22.	SNG/RVP/MDI/86/75-76	Shri Dhani Ram	Thala	0.34 hect.	1,280	640	640
23.	SNG/RVP/MDI/87/75-76	Shri Nanku	Bharjwanu	0.36 hect.	1,340	670	670
24.	SNG/RVP/MDI/88/75-76	Shri Fagnu	Jugahan	0.33 hect.	1,194	597	597
25.	SNG/RVP/MDI/89/75-76	Shri Girdhari Lal	Bahot	0.54 hect.	2,040	1,020	1,020

TEHSIL SADAR (UNDER LDS)

1.	SDR(i)/MDI/60/75-76	Shri Ram Singh	Kushmal	1.00 acre	1,500	750	750
2.	SDR(i)/MDI/61/75-76	Shri Dev Raj	Sakswal	1.02 acres	1,530	765	765
3.	SDR(i)/MDI/62/75-76	Shri Mohan etc.	Mandhokar	1.02 acres	1,530	765	765
4.	SDR(i)/MDI/63/75-76	Shri Kanhya	Bhargao	1.52 acres	2,310	1,155	1,155
5.	SDR(i)/MDI/64/75-76	Shri Budhi Singh	Bhaled	1.29 acres	1,934	967	967
6.	SDR(i)/MDI/65/75-76	Shri Narain	Satahan	2.49 acres	2,490	1,245	1,245
7.	SDR(i)/MDI/66/75-76	Shri Dhanna	Kot	0.50 acre	750	375	375
8.	SDR(i)/MDI/67/75-76	Shri Sarbanu	Kushmal	2.80 acres	4,200	2,100	2,100
9.	SDR(i)/MDI/68/75-76	Shri Sauju Ram	Mahan	1.00 acre	1,500	750	750
10.	SDR(i)/MDI/69/75-76	Shri Achhar Singh	Kun	0.60 acre	600	300	300
11.	SDR(i)/MDI/70/75-76	Shri Kanshi Ram etc.	Dwahan	2.90 acres	4,350	2,175	2,175
12.	SDR(i)/MDI/71/75-76	Shri Lalit etc.	Badohal	1.21 acres	1,210	605	605
13.	SDR(i)/MDI/72/75-76	Shri Brikam etc.	Kushmal	2.47 acres	2,470	1,235	1,235
14.	SDR(i)/MDI/73/75-76	Shri Hem Singh	Luhard	1.37 acres	2,054	1,027	1,027
15.	SDR(i)/MDI/74/75-76	Shri Parma	Badeha	1.33 acres	2,000	1,000	1,000

1	2	3	4	5	6	7	8
TEHSIL CHACHIOT (UNDER LDS)							
16.	CHT MDI/6/75-76	Shri Dagu Ram	Ghyar	0.95 acre	928	464	464
17.	CHT MDI/7/75-76	Shri. Ram Dass	Jhundi	0.61 acre	900	450	450
18.	CHT MDI/8/75-76	Shri Mohan Singh	Sharan	0.67 acre	1,100	550	550
19.	CHT MDI/9/75-76	Shri Giri Singh	Dhagwan	2.50 acres	3,700	1,850	1,850
20.	CHT MDI/10/75-76	Shri Masat Ram	Kaut	1.62 acres	1,620	810	810
21.	CHT MDI/11/75-76	Shri Karam Singh	Kandhi	1.96 acres	2,780	1,390	1,390
22.	CHT MDI/12/75-76	Shri Devi Ram	Katwandi	2.01 acres	2,000	1,000	1,000
23.	CHT MDI/13/75-76	Shri Thakur Dass	Dadoh	0.92 acre	1,080	540	540
24.	CHT MDI/14/75-76	Shri Narain Singh	Banishi	3.38 acres	5,000	2,500	2,500
25.	CHT MDI/15/75-76	Shri Hardyial Singh	Kurani	1.21 acres	1,850	825	925
26.	CHT MDI/16/75-76	Smt. Ghumpi	Katlög	1.76 acres	2,600	1,300	1,300
27.	CHT MDI/17/75-76	Smt. Rajbala	Beglidhar	3.19 acres	3,200	1,600	1,600

TEHSIL SADAR (AREA UNDER L.D.S.)							
1.	SDR MDI/75-75-76	Shri Gian Chand	Matha-Makol	0.45 hectare	1,800	900	900
2.	SDR MDI/76/75-76	Shri Bhag Chand	Kuthecha	1.18 acres	1,770	885	885
3.	SDR MDI/77/75-76	Shri Gopi Ram etc.	Chadyana	7.38 acres	7,380	3,690	3,690

TEHSIL KARSOG (UNDER LDS).							
1.	KRG MDI/24/75-76	Shri Nanku etc.	Sui	4.29 acres	4,290	2,145	2,145
2.	KRG MDI/25/75-76	Shri Jagat Ram etc.	Bagauon	3.17 acres	3,170	1,585	1,585
3.	KRG MDI/26/75-76	Shri Lekh Raj	Bhabrot	3.46 acres	3,460	1,730	1,730
4.	KRG MDI/27/75-76	Shri Shiv Ram etc.	Thachan	1.06 acres	1,060	530	530
5.	KRG MDI/28/75-76	Shri Partap Singh	Guderi	1.49 acres	2,250	1,125	1,125
6.	KRG MDI/29/75-76	Shri Moti Ram etc.	Khanara	1.67 acres	1,670	835	835
7.	KRG MDI/30/75-76	Shri Inder Dutt	Majhas	0.61 acre	610	305	305
8.	KRG MDI/31/75-76	Shri Budhu	Khanara	0.76 acre	760	380	380
9.	KRG MDI/32/75-76	Shri Dhani Ram	-do-	1.68 acres	1,680	840	840
10.	KRG MDI/33/75-76	Shri Padam Nabh etc.	Majhas	1.96 acres	1,960	980	980
11.	KRG MDI/34/75-76	Shri Laholu	Bagaon	1.42 acres	1,420	710	710
12.	KRG MDI/35/75-76	Shri Chingu	Bagasalana	1.53 acres	1,530	765	765
13.	KRG MDI/36/75-76	Shri Sant Ram	Samarli	1.26 acres	1,890	945	945
14.	KRG MDI/37/75-76	Shri Shiv Dyal etc.	Nalagali	2.51 acres	2,510	1,255	1,255
15.	KRG MDI/38/75-76	Shri Arjan Singh	Jabrola	1.06 acres	1,060	530	530
16.	KRG MDI/39/75-76	Shri Nokhu etc.	Khandol	1.14 acres	1,140	570	570
17.	KRG MDI/40/75-76	Shri Khub Chand	Cholu	1.25 acrs	1,250	625	625
18.	KRG MDI/41/75-76	Shri Madan	Kot	1.28 acrs	1,280	640	640
19.	KRG MDI/42/75-76	Shri Manghru etc.	Jathoha	2.10 acres	2,100	1,050	1,050
20.	KRG MDI/43/75-76	Shri Darsan	Sanana	1.41 acres	1,730	865	865
21.	KRG MDI/44/75-76	Shri Sundar	Kot	2.43 acres	2,400	1,200	1,200
22.	KRG MDI/45/75-76	Shri Bhawania	Tikkar	13.58 acres	13,580	6,790	6,790
23.	KRG MDI/46/75-76	Shri Dhaglu	Bahan	1.53 acres	2,300	1,150	1,150
24.	KRG MDI/47/75-76	Shri Sita Ram	Kot	1.02 acres	1,500	750	750
25.	KRG MDI/48/75-76	Shri Narpat	Sanehar	2.21 acres	2,210	1,105	1,105
26.	KRG MDI/49/75-76	Shri Dhani Ram etc.	Kandhi	2.48 acres	2,480	1,240	1,240
27.	KRG MDI/51/75-76	Shri Kishan Chand etc.	Panchka	1.43 acres	1,430	715	715
28.	KRG MDI/62/75-76	Shri Maghu	Sanarli	0.96 acre	1,440	720	720
29.	KRG MDI/53/75-76	Shri Hari Ram etc.	Lower Karsog	1.34 acres	1,470	735	735
30.	KRG MDI/54/75-76	Shri Megha	Dumbo	0.99 acre	1,500	750	750
31.	KRG MDI/55/75-76	Shri Budhi Singh etc.	Kelodhar	8.50 acres	8,500	4,250	4,250
32.	KRG MDI/56/75-76	Shri Kaul Ram etc.	Bajeha	1.59 acres	1,590	795	795
33.	KRG MDI/50/75-76	Shri Jarbu etc.	Balindhi	13.01 acres	13,000	6,500	6,500

TEHSIL SARKAGHAT (UNDER L.D.S.)							
1.	SRG MDI/85/75-76	Shri Sohan Lal	Gopalpur	0.63 hect.	15.80	790	790
2.	SRG MDI/86/75-76	Shri Saran	Nain	0.84 hect.	3,142	1,571	1,571
3.	SRG MDI/84/75-76	Shri Radha Ram	Ghori	0.60 hect.	2,300	1,150	1,150
4.	SRG MDI/59/75-76	Shri Gian Singh etc.	Kharoh	1.00 hect.	2,000	1,000	1,000
5.	SRG MDI/60/75-76	Shri Kishan	Jukan	0.44 hect.	2,000	1,000	1,000
6.	SRG MDI/61/75-76	Shri Rup Lal etc.	Laka	1.00 hect.	2,500	1,250	1,250
7.	SRG MDI/62/75-76	Shri Inder Dev	Dharampur	0.32 hect.	1,200	600	600
8.	SRG MDI/63/75-76	Shri Nek Ram urf Tek Chand.	Hawani	0.37 hect.	1,640	820	820

1	2	3	4	5	6	7	8
9.	SRG/MDI/64/75-76	Shri Hari Chand	Rakhoh	0.35 hect.	1,344	672	672
10.	SRG/MDI/65/75-76	Shri Barestu	Churu	0.47 hect.	1,410	705	705
11.	SRG/MDI/66/75-76	Shri Ganpat, Village Kotlu.	Balh	1.00 hect.	2,000	1,000	1,000
12.	SRG/MDI/67/75-76	Shri Haria	Kharoh	0.20 hect.	750	375	375
13.	SRG/MDI/69/75-76	Shri Gian Chand	Kharoh	0.22 hect.	430	215	215
14.	SRG/MDI/70/75-76	Shri Gian Chand, etc.	Sanour	1.73 hect.	6,000	3,000	3,000
15.	SRG/MDI/71/75-76	Shri Gobind etc.	Chakroh	0.61 hect.	1,325	662.50	662.50
16.	SRG/MDI/72/75-76	Shri Ranjit Singh	Luknu	0.78 hect.	1,850	925	925
17.	SRG/MDI/73/75-76	Shri Rup Lal	Jhanjhal	0.45 hect.	1,130	565	565
18.	SRG/MDI/74/75-76	Shri Nand Lal etc.	Sajauri	0.25 hect.	930	465	465
19.	SRG/MDI/75/75-76	Shri Hari Singh	Serpur	0.70 hect.	2,650	1,312.50	1,312.50
20.	SRG/MDI/76/75-76	Shri Durga Singh	Brang	1.14 hect.	2,850	1,450	1,450
21.	SRG/MDI/77/75-76	Shri Sukh Ram	Bharoo	0.16 hect.	600	300	300
22.	SRG/MDI/78/75-76	Shri Mohan Singh	Barnota	0.63 hect.	1,580	790	790
23.	SRG/MDI/79/75-76	Shrimati Dropti Devi.	Kot	0.64 hect.	2,400	1,200	1,200
24.	SRG/MDI/80/75-76	Shri Shankar	Bahal Lalihan	0.11 hect.	400	200	200
25.	SRG/MDI/81/75-76	Shri Dharampal etc.	Gopalpur	0.46 hect.	1,150	575	575
26.	SRG/MDI/82/75-76	Shri Bhag Singh urf Bhagi Rath.	Gadholkot	0.43 hect.	1,290	645	645
27.	SRG/MDI/83/75-76	Shri Kamar Singh	Salon	0.68 hect.	2,550	1,275	1,275
TEHSIL SUNDERNAGAR							
28.	SNG/MDI/1/75-76	Shri Brij Lal	Manjholi	0.36 hect.	900	450	450
29.	SNG/MDI/2/75-76	Shri Bali Ram	Pabq	0.69 hect.	2,593	1,296.50	1,296.50

C. D. PARSHEERA,
Deputy Commissioner-cum-Chairman,
District Land Development Committee, Mandi district,
Mandi (Himachal Pradesh).

**OFFICE OF THE SECRETARY-CUM-ASSISTANT SOIL CONSERVATION OFFICER, HAMIRPUR DISTRICT
HAMIRPUR, HIMACHAL PRADESH
NOTIFICATION**

Hamirpur, the 18th May, 1976

Whereas the District Land Development Committee of Hamirpur district has prepared the Land Development Schemes under section 4 of the Himachal Pradesh Land Development Act, 1973 in respect of the area given against Scheme indicated in the list attached.

And whereas the State Government keeping in view the consent of the persons aforesaid and after consideration the Committee has sanctioned the schemes under section 5(2) of the said Act, in the meeting held on 6th February, 1976.

Now, therefore, the scheme sanctioned by the competent authority under section 5(2) are hereby published in the Rajpatra Himachal Pradesh for the information of all concerned as required by section 6 of the said Act, and it shall come into force immediately from the date of sanction of the schemes.

1. The work or kind of work to be carried out under the scheme.—Allied Soil conservation measures.
2. Agency or agencies through which the work shall be carried out.—Landowner/Government Department.
3. District Hamirpur condition according which the work shall be carried.—50% total expenditure of soil conservation works will be recovered with interest as may be fixed by the Government in 10 equal yearly instalments from 6th year of the drawal of loan.

Approval of draft schemes prepared in accordance with section 4 of Himachal Pradesh Land Development Act, 1973.

Sr. No.	Scheme No.	Name of beneficiary	Village/ Tikka	Object of the scheme	Approximate area to which they shall apply				Total expenditure of the scheme (Estimated cost).
					Khasra Nos.	Private land	Government land	Total area	
1	2	3	4	5	6	7	8	9	10
									Rs.
1.	HPR-70/1975-76.	Shri Rasil Singh s/o Shri Ram Singh.	Chauru/ Ghadyana.	Lift irrigation.	190, 213, 139, 140, 145, 182, 189, 191, 193, 195, 203.	—	—	44.1	6,300.00

1	2	3	4	5	6	7	8	9	10
2.	HPR-N-71/ 1975-76.	Shri Roshan Lal s/o Shri Dalip Singh.	Hathol/ Hamirpur.	Reclama- tion.	139/1	—	—	10.11	1,500.00
3.	HPR-72/ 1975-76.	Shri Hari Chand s/o Shri Lachman Singh.	Majhog/ Samluhi.	-do-	22/1, 22, 22, 23, 24, 25/1, 19, 20/2/1.	—	—	10.11	1,500.00
4.	HPR-N-7/ 1975-76.	Shri Gurdita etc. s/o Shri Gulaba.	Kohala/ Batran.	-do-	1402	—	—	13.2	1,785.00
5.	HPR/M/74/ 1975-76.	Shri Amar Nath etc. s/o Shri Milkhi Ram.	Pahlu/Ujhan	-do-	828/689, 829/689.	—	—	19.9	2,756.00
6.	HPR-M-75/ 1975-76.	Shri Hem Raj s/o Shri Gulaba.	Samlara/ Kanger/ Barsar/ Hamirpur.	-do-	1673/1192/1	—	—	10.3	1,470.00
7.	HPR-M-76/ 1975-76.	Shri Dhanpat Singh s/o Shri Ranjit.	Thana/Bani Barsar/ Hamirpur.	-do-	234, 237, 239/2/2	—	—	10.12	1,500.00
8.	HPR-M-77/ 1975-76.	Shri Ram Ditta s/o Shri Tota Ram.	Pahlu/Bahal/ Hamirpur.	-do-	160	—	—	10.11	1,500.00
9.	HPR-M-78/ 1975-76.	Shri Baldev Raj s/o Shri Tota Ram.	-do-	-do-	160	—	—	10.11	1,500.00
10.	HPR-M-79/ 1975-76.	Shri Ghun- gar s/o Shri Mangal.	Dhatwal/ Dalchohra/ Barsar/ Hamirpur.	B.T.	355, 356, 357, 358, 394, 395, 396, 397, 398, 399.	—	—	30.7	2,378.00
11.	HPR-M-80/ 1975-76.	Shri Sobha Ram etc. s/o Shri Gobind Ram.	Dhatwal/ Dalchehra/Bassar/ Hamirpur	-do-	431, 471, 472, 473, 474.	—	—	53.6	5,000.00
12.	HPR-M-81/ 1975-76.	Shri Hari Singh s/o Shri Labh Singh.	Baliah/ Luharra/ Barsar/ Hamirpur.	-do-	1237/1161, 1243/ 1170, 1240/117, 1245/1175, 1248/ 1180, 1172/1174, 1254/1171, 1176/ 112, 259/1129, 1261/ 1162.	—	—	31.4	2,950.00
13.	HPR-H-82/ 1975-76.	Shrimati Sukh Devi w/o Shri late Rattan Chand.	Mehlta/ Buthni/ Hamirpur.	-do-	756, 757, 758, 759, 974, 760, 628.	—	—	10.11	1,500.00
14.	HPR-H-83/ 1975-76.	Shri Suhru Ram s/o Shri Shikra.	Majhog Sumluhi/ Sasan/ Hamirpur.	-do-	3/2/5	—	—	10.11	1,500.00

1.	2	3	4	5	6	7	8	9	10
15.	HPR-H-84/ 1975-76.	Shri Dina Nath etc. s/o Kharka Ram.	Mewa/Dhirar/ Hamirpur.	B. T.	90, 91, 5, 292, 298, 659, 708, 919/1.	—	—	80.7	9,700.00
16.	HPR-H-85/ 1975-76.	Shri Lal Singh s/o Shri Gadi.	Majhog Sumluhi/ Badhiana/ Hamirpur.	-do-	32, 129, 130, 131, 132, 133, 556/2/1.	—	—	10.11	1,500.00
17.	HPR-H-86/ 1975-76.	Shri Barar s/o Shri Ghasitu.	Chabutra/ Hamirpur.	-do-	560/2, 561/2	—	—	10.11	1,500.00
18.	HPR-H-87/ 1975-76.	Shri Gopal Dass s/o Shri Roda.	Mewa/Jahu Kalan/ Hamirpur.	-do-	121, 123, 125, 439/1, 936, 1135/1, 291, 122, 142/1, 156, 165.	—	—	31.00	2,655.00
19.	HPR-H-88/ 1975-76.	Shri Gain Chand etc. s/o Shri Gopal Dass.	-do-	-do-	344, 345	—	—	10.7	950.00
20.	HPR-H-89/ 1975-76.	Shri Chandu Ram s/o Shri Ram Ditta.	Mati Tihra/ Karast/ Hamirpur.	L.I.	258/6, 260/6, 8, 10, 11, 23, 70, 72, 73, 78, 83, 88, 97, 98, 99, 110, 111, 118, 119, 121, 122, 123, 124, 130, 140, 146, 164, 165, 166, 177.	—	—	60.6	8,550.00
21.	HPR-H-90/ 1975-76.	Shri Nathu Ram s/o Shri Naudha Ram.	Mehlta/ Mundhher/ Hamirpur.	-do-	39, 104, 198, 194, 195, 2072, 251, 305, 308, 312, 304, 304, 331, 333, 334, 349, 371, 372, 330, 373, 398, 379, 380, 375, 381, 433, 434, 400, 664, 679, 682, 676, 677, 767, 791, 791/1, 739, 742, 782, 752, 800, 803, 843, 828, 817, 814, 815, 822, 823, 704, 848, 787, 788, 1366.	—	—	222.6	10,475.00
22.	HPR-H-91/ 1975-76.	Shri Anant Ram s/o Shri Sohnu Ram.	Mewa/ Baroh/ Hamirpur.	-do-	241, 242, 408, 106, 109.	—	—	32.13	4,800.00

Sd/-

Secretary-cum-Assistant Soil Conservation Officer, Hamirpur district, Hamirpur.

OFFICE OF THE DEPUTY COMMISSIONER
BILASPUR DISTRICT (H.P.)

OFFICE MEMORANDUM

Bilaspur, the 30th July, 1976

Level Food Advisory Committee Bilaspur) re-nominate all the hon-official members of the *ibid* Committee constituted *vide* office memorandum No. F&S/Meet/BLP/6617-40, dated the 14th/19th August, 1975 for one year more w.e.f. 14th August, 1976.

No. F&S/Stn/12/6171.—In pursuance of notification No. 8-7/73-Co-op (F&S), dated the 18th July, 1976 issued by the Secretary (Food & Supplies) Himachal Pradesh Government, I, Lal Singh, Deputy Commissioner, Bilaspur district (Chairman of the District

LAL SINGH,
Deputy Commissioner.

OFFICE OF THE DISTRICT MAGISTRATE
MANDI DISTRICT, MANDI (H.P.)

NOTIFICATION

Mandi, the 26th July, 1976

No. CS (Control)-1/75.—In exercise of the powers conferred upon me under clause 3(1) of the Himachal Pradesh Hoarding and Profiteering Prevention Order, 1974 and in continuation to this office notification of even number, dated the 13th February 1975, I, C. D. Parsheera, District Magistrate, Mandi, District Mandi, Himachal Pradesh hereby amend the margin of profit in respect of open sugar as under:—

Sr. No.	Article	Margin of profit	
		Wholesale	Retailsale
14.	Sugar open market	1½%	3% instead of 5%

Note.—The margin of profit is applicable on purchase rate.

C. D. PARSHEERA,
District Magistrate.

OFFICE OF THE DEPUTY COMMISSIONER
SIRMUR DISTRICT, NAHAN

OFFICE ORDER

Nahan, the 10th March, 1976

No. 928 HC-DC 76.—In pursuance of Government notification No. 16-16/75-GAA, dated 13-11-75, the under-mentioned local holidays are hereby declared to be observed in the subordinate/attached offices in Sirmur district during the calendar year 1976 at the District/Sub-Divisions/Tehsil/Sub-Tehsil/Block Headquarters on account of important fairs and festivals as mentioned against each:—

Name of Tehsil/ Sub-Tehsil	Name of Fair	Date and day	No. of days
1	2	3	4
1. Paonta Tehsil	Hola fair	15-3-76 (Monday)	1
2. Nahan Tehsil and District Headquarters.	Durga Ashtmi	8-4-76 (Thursday)	1
3. Rajgarh Sub- Tehsil.	Baisakhi	13-4-76 (Tuesday)	1
4. Shillai Sub- Tehsil.	Bahlikoti Fair	27-4-76 (Tuesday)	1
5. Pachhad Tehsil	Bawan Dwadshi	4-9-76 (Saturday)	1
6. Renuka Tehsil	Renuka Fair	1-11-76 (Monday)	1
7. Whole of Sirmur Distt.	Renuka	2-11-76 (Tuesday)	1

Sd/-
Deputy Commissioner.

FOOD AND SUPPLIES DEPARTMENT
CHAMBA DISTRICT, CHAMBA, (H.P.)

NOTIFICATION

Chamba, the 27th March, 1976

No. CS (Order) 28/71.—In exercise of the powers delegated under clause (b) of sub-section 2 of the Himachal Pradesh (Salt Distribution and Price) Control Order, 1971 by the District Magistrate, Chamba to under-signed, I, M.C. Guleria, District Food and Supplies Controller, Chamba, District Chamba hereby appoint M/s Hans Raj Charan Dass, Chawgan Bazar, Chamba, as Wholesale Nominee for Chamba district to import Iodized Salt in Chamba district from Sambhar Lake or from any other source from where Himachal Pradesh Government allot Iodized Salt as required under clause 2(i) of the said order.

M. C. GULERIA,
District Food and Supplies Controller,
Chamba.

FOREST DEPARTMENT
NOTIFICATION

Chopal, the 1st July, 1976

No. D-I-7/76-77.—Whereas it is considered necessary that check posts be established for proper checking of forest produce at the boundary of Chopal Forest Division, Simla Circle for proper control and checking of the export of timber and other forest produce, therefore under section 41 of Indian Forest Act No. 16 of 1927 and Rules 5 & 6 of the Mahasu (now Simla district) District Timber Transit (Land Route) Rules, 1958 notified vide Himachal Pradesh Government notification No. Ft., 12-432/57, dated 18-3-1976, the following check posts are notified with immediate effect:—

Sr. No.	Range	Name of check post	Situation
1.	Chopal	Chambi	On Chhailla, Chopal road on Simla Division boundary.
2.	Sarain	Pulbahl	On Pulbahl-Neri-Solan road near Sirmur boundary.
3.	Kanda	Soil Pob	On Chopal-Haripurdhara-Dadahu road on Sirmur boundary.
4.	Kanda	Randi-ki-Bir	On Rohroo-Paonta road on Sirmur boundary.
5.	Tharoach	Jhamrari	On Shallon-Dhabas road near Uttar Pradesh boundary.

2. All forest produce passing through these check posts shall be liable for checking before export.

I. D. SHARMA,
Divisional Forest Officer,
Chopal Forest Division.

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेन्शियल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि-

PERSONNEL DEPARTMENT
SECRETARIAT ADMINISTRATION SERVICES
(I-SECTION)

NOTIFICATION

Simla-2, the 26th May, 1976

No. PER(SA.I)-A(3)-7/75.—In exercise of powers conferred by proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Secretariat Class III Services (Recruitment, Promotion and Certain Conditions of Service) Rules, 1973, notified vide Notification No. 1.535/57-III-SAS, dated 20th November, 1973, and amended from time to time:—

1. *Short title and commencement.*—(1) These rules may be called the Himachal Pradesh Secretariat Class III Services (Recruitment, Promotion and Certain Conditions of Service) (Fifth Amendment) Rules, 1975.

(2) They shall come into force from the date of their publication in the official gazette.

2. *Amendment to Annexure I.*—In annexure I to the Himachal Pradesh Secretariat Class III Services (Recruitment, Promotion and Certain Conditions of Service) Rules, 1973, the existing provisions of Col. Nos. (10) and (11) against the categories of Book Binder (S. No. 7), Furniture Supervisor (S. No. 8), Restorers (S. No. 9), Gestetner Operator (S. No. 10), Care Taker (S. No. 11) and Cash and Bill Messenger (S. No. 13), shall be substituted as under:—

Col. 10.

By promotion.

Col. 11.
[In respect of Furniture Supervisor (S. No. 8) and Cash and Bill Messenger (S. No. 13)].

By promotion from amongst the Book Binders, Restorers, Gestetner Operators and Care Takers with three years service permanent/officiating/ad hoc in the grade failing which from amongst the Gate Keepers, Library Attendants, Daftris and Jamadars with 5 years service (including officiating/ad hoc) in the grade.

Col. 11.

[In respect of Book Binder (S. No. 7), Restorers (S. No. 9), Gestetner Operator (S. No. 10) and Care Takers (S. No. 11)].

By promotion from amongst the Gate-Keepers, Library Attendants, Daftris and Jamadars with five years service (officiating/ad hoc) in the grade, failing which from amongst the peons of the Secretariat with 7 years service (officiating/ad hoc) in the grade. For the purpose of promotion the seniority of eligible candidates in the 1st and 2nd group respectively will be pooled on the basis of length of service (off./ad hoc). *Inter se* seniority in the respective category will be maintained.

By order,
L. HMINGLIANA TOCHHAWNG,
Chief Secretary.

AGRICULTURE DEPARTMENT

NOTIFICATION

Simla-2, the 10th May, 1976

No. 6-1/71-Agr. (Sectt).—The Governor, Himachal Pradesh is pleased to make the following amendments to the Himachal Pradesh Bulldozers (Use and Recovery Charges) Rules, 1975, issued vide this department notification of even number, dated 23-12-1975 and published in the Rajpatra, Himachal Pradesh (Extraordinary), dated the 3rd January, 1976:—

1. *Short title and commencement.*—(i) These rules shall be called the H.P. Bulldozers (Use and Recovery Charges) (First Amendment) Rules, 1976.

(ii) They shall come into force at once.

2. *Amendment of Rules 5(i).*—For the existing table of rule 5(i), the following table shall be substituted:—

"S. No.	Type of Bulldozer	Rate of bulldozer operation per hour (Rs.)	Propulsion charges for movement of bulldozers on road from garage to site of work and back
(1)	Hanomag K. 7	Rs. 87/-	Rs. 3.70 per k.m.
(2)	Bharat D-50	Rs. 140/-	-do-
(3)	Deutz DR-1250	Rs. 127/-	-do-
(4)	Deutz Crawler 80 H.P.	Rs. 113/-	-do-

By order,
B. K. SHARMA,
Secretary.

ANIMAL HUSBANDRY DEPARTMENT

NOTIFICATION

Simla-171002, the 24th July, 1976

No. 6-2/70-AH(Sectt).—In exercise of the powers conferred by sub-section(1) of section 38 of the Himachal Pradesh Livestock and Birds Disease, Act, 1968 (Act No. 24 of 1969), the Governor, Himachal Pradesh is pleased to make the following rules to amend the Himachal Pradesh Livestock and Birds Diseases Rules, 1971. The draft rules are hereby published for the information of the persons likely to be affected thereby as required under section 39 of the aforesaid Act. Objections or suggestions, if any, should be addressed to the Director of Animal Husbandry, Himachal Pradesh within 7 days from the date of publication of this notification in the Himachal Pradesh Rajpatra after which the draft

rules alongwith objections/suggestions, if any, shall be taken into consideration.

recruitment, qualification, passing of examination etc.

DRAFT RULES

Short title and commencement.

1. (a) These rules may be called the Himachal Pradesh Livestock and Birds Diseases (First Amendment) Rules, 1976.

(b) These rules shall come into force from the date of their publication in the Himachal Pradesh Rajpatra.

Addition of proviso under clause (1) of Rule 2.

1. In H. P. Livestock and Birds Disease Rules, 1971, the following proviso shall be added after clause (1) of Rule 2.

"Provided that no person other than a veterinary Assistant Surgeon or any graduate of a recognised University/Collage shall be appointed as Inspector".

S. M. VERMA,
Under Secretary.

HEALTH & FAMILY PLANNING DEPARTMENT

NOTIFICATION

Simla-171002, the 22nd July, 1976

No. 1-197/69-H&FP.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Himachal Pradesh is pleased to make the following amendment in the Himachal Pradesh Health and Family Planning Department Subordinate Class-III Services (Recruitment, Promotion and Certain Conditions of Service) Rules, 1971 notified vide this Department's notification of even number, dated the 7th December, 1973 and amended subsequently from time to time:—

AMENDMENTS

SUBSTITUTION OF RULE 16: For the existing rule 16 the following rule shall be substituted, namely:—

The Governor, Himachal Pradesh may for special reasons exempt any member of the service or any Class or category of person or post, from any of the provisions of these rules concerning matters such as

PUBLIC WORKS DEPARTMENT

NOTIFICATION

Simla-171002, the 26th May, 1976

No. 1-49/69-PW 'A'-IV.—In exercise of the powers conferred by proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, in consultation with Himachal Pradesh Public Service Commission, and after having the prior approval of the Central Government, is pleased to make the following rules to amend the Recruitment and Promotion Rules in respect of the posts of Assistant Engineers (Mechanical) in Himachal Pradesh, Public Works Department notified vide this Government notification No. 1-50/69-PWD, dated the 9th August, 1973 and No. 1-49/69-PW-A-IV, dated the 22nd December, 1975.

1. *Short title and commencement.*—These rules may be called Recruitment and Promotion Rules for the post of Assistant Engineer (Mechanical) (Second Amendment) rules, 1975.

2. *Amendments to Annexure.*—Add the following as Rule 14(iv):—

1. *Rule-14(iv).*—(i) Every member of the service shall pass a departmental examination as prescribed in the Departmental Examination Rules within the probation period or within two years from the notification of these rules whichever is later failing which he shall not be eligible to:—

- (i) cross the efficiency bar next due;
- (ii) Confirmation in the service; and
- (iii) Promotion to the next higher post:

Provided that if a member becomes otherwise eligible for promotion, within the period mentioned above, he shall be considered for promotion and if otherwise found fit shall be promoted provisionally subject to his passing the departmental examination. He may be reverted if he fails to pass the same:

Provided further that an officer who has qualified the departmental examination in whole or in part prescribed under any other rules before the notification of these rules, shall not be required to qualify the whole or in part of the examination as the case may be:

Provided further that an officer for whom no departmental examination was prescribed prior to the notification of these rules and who has attained the age of 45 years on the 1st of March, 1976 shall not be required to qualify the departmental examination prescribed under these rules.

2. An officer on promotion to a higher post in his direct line of promotion shall not be required

to pass the aforesaid examination if he has already passed the same in the lower gazetted post.

3. The Government may, in consultation with the Himachal Pradesh Public Service Commission, grant in exceptional circumstances and for reasons to be reduced to writing, exemption in accordance with the Departmental examination rules, any class or category of persons from the departmental examination in whole or in part.

GANGESH MISRA,
Secretary.

REVENUE DEPARTMENT
DISTRICT GAZETTEERS BRANCH
NOTIFICATION

Simla-2, the 10th June, 1976

No. REV(DG)(B)(1)/75-357.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this

behalf, the Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission is pleased to make the following rules further to amend the Recruitment and Promotion Rules, 1974 in respect of Class-II Gazetted posts of Editors, District Gazetteers, Himachal Pradesh notified vide Notification No. GAZ-12 (iv)/74, dated the 7th October, 1974 namely:—

1. *Short title and commencement.*—(1) These rules may be called the Recruitment and Promotion to Class-II Gazetted post of Editor, District Gazetteers, Himachal Pradesh (First Amendment) Rules, 1976.

(2) They shall be deemed to have come into force with effect from the date of issue of this notification.

2. *Amendment of the annexure 'A'.*—Col. No. 2.

Provision in the approved rules .. One post.

Revised provision as approved by the Himachal Pradesh Public Service Commission .. Four posts.

By order,
Secretary.

भाग 4—स्थानीय स्वायत्त शासन: म्यूनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड ग्रौर टाउन एरिया तथा पंचायत विभाग

शून्य

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

अदालती नोटिस

ज़ेर आर्डर 5, रूल 20, जिला दिवानी

बमदालत जनाब श्री कृष्ण लाल A.C. II G, (नायब-तहसीलदार) शिमला (हि0प्र0)

नं0 मुकद्दमा 64/76

बमुकद्दमा श्री गोपाल सिंह व देवी सिंह पुत्रगण श्री शिव राम व ज्ञान चन्द पुत्र श्री शिव राम, नाबालिग, गांव पनेश, परगना कलजून, तहसील व जिला शिमला।

बनाम

सरनिया, पुत्र श्री दुरगा, गांव पनेश, परगना कलजून, तहसील व जिला शिमला।

दरख्वास्त दख्खती इन्द्राज खसरा नं 221 तादादी 0-10 बिस्वा मोजा पनेश, परगना कलजून, तहसील व जिला शिमला।

हर खास व आम को इस नोटिस द्वारा सूचित किया जाता है कि श्री गोपाल सिंह व देवी सिंह आदि मालक अराजी पनेश, तहसील व जिला ने दरख्वास्त दख्खती खसरा गरदावरी खसरा नं0 221 तादादी 0-10 बिस्वा मोजा पनेश ने हमारी अदालत में जेर घारा 35, हिमाचल प्रदेश Land Revenue Act गुजारी है। जिस के खाना काशत में श्री दौलिया पुत्र मोलकू बतौर मुजारा गैर मौलसी दर्ज कागजात माल है। चूंकि गैर मौलस लावलद व लाजन 6-7 सायल से फीत होना बताया जाता है और अराजी मजकूर बाला पर श्री गोपाल सिंह व देवी सिंह आदि सायलान व मजकूर अपना कबजा जाहिर करते हैं। इसलिए दख्खती खसरा गरदावरी में यदि किसी को एतराज हो तो वह मिति 21-8-76 तक अदालत हज्रा में पेश करे। बसूरत दिगर कागजात माल में इन्द्राज-काशत बहक सामलान अमल में लाया जावेगा। सूचित रहे।

आज हमारे दस्तखत व मोहर अदालत के जारी किया गया।

कृष्ण लाल,
एग्जिस्टेंट कुलैक्टर,
द्वितीय श्रेणी।

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

AGRICULTURE DEPARTMENT
NOTIFICATION

Simla-171002, the 6th May, 1976

No. 47-2/70-Agr.(Secctt.)II.—The Undermentioned Notification already published in the Gazette of India (Extraordinary) Part II, section 3, sub-section (i) by the

Government of India, Ministry of Agriculture and Irrigation (Department of Agriculture) New Delhi is hereby republished in the Himachal Pradesh Government Raj-patra for general information.

Notification No. 10-25/75-STU, dated the 16th March, 1976.

Sd/-
Joint Secretary.

No. 10-25/75-STU

**GOVERNMENT OF INDIA
MINISTRY OF AGRICULTURE AND IRRIGATION
(DEPARTMENT OF AGRICULTURE)**

**KRISHI BHAVAN
NOTIFICATION**

New Delhi, the 16th March, 1976

G.S.R.126(E).—In pursuance of clause 3 of the Fertiliser (Control) Order, 1957 and in partial modification of the notification of the Government of India in the Ministry of Agriculture and Irrigation (Department of Agriculture) No.G.S.R.418-E, dated the 18th July, 1975, the Central Government hereby fixes, with immediate effect, the price specified in column (2) of the Schedule annexed hereto as the maximum price per tonne, at which the fertiliser specified in the corresponding entry in column (1) of the said Schedule *shall be sold to the tea, coffee or rubber plantations or to the cultivator.*

THE SCHEDULE

<i>Name of Fertiliser</i>	<i>Maximum price per tonne (Net in Rupees)</i>
1. Urea (46% Nitrogen)	1750
2. Urea coated (45% Nitrogen)	1710

Explanation.—The maximum price specified above shall be exclusive of the Central Sales Tax, Local Sales Tax, or other local taxes wherever levied, whether at the retail sales point or at any intermediate stage.

Note.—When sales of any fertiliser are made in quantities not exceeding 5 kilograms at a time, the dealer may charge one paise per kilogram in addition to the proportionate maximum price specified above.

P. GHOSH,
*Under Secretary
to the Government of India.*

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 24th April, 1976

No. LLR-E (9)12/76.—The following Acts recently passed by Parliament which have already been published in the Gazette of India, Extraordinary, Part II, Section 1, are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public:—

1. The Delhi Rent Control (Amendment) Act, 1976 (18 of 1976).
2. The Bonded Labour System (Abolition) Act, 1976 (19 of 1976).
3. The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1976 (20 of 1976).
4. The Regional Rural Banks Act, 1976 (21 of 1976).
5. The Assam Sillimanite Limited (Acquisition and Transfer of Refractory Plant) Act, 1976 (22 of 1976).

6. The Payment of Bonus (Amendment) Act, 1976 (23 of 1976).
7. The Press Council (Repeal) Act, 1976 (24 of 1976).
8. The Equal Remuneration Act, 1976 (25 of 1976).
9. The Motor Vehicles (Amendment) Act, 1976 (26 of 1976).
10. The Prevention of Publication of Objectionable Matter Act, 1976 (27 of 1976).
11. The Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976 (28 of 1976).
12. The Payment of Wages (Amendment) Act, 1976 (29 of 1976).
13. The House of People (Extension of Duration) Act, 1976 (30 of 1976).
14. The Levy Sugar Price Equalisation Fund Act, 1976 (31 of 1976).
15. The Industrial Disputes (Amendment) Act, 1976 (32 of 1976).

M. C. PADAM,
Under Secretary (Judicial).

Assented to on 9-2-1976.

**THE DELHI RENT CONTROL (AMENDMENT)
ACT, 1976**

(ACT No. 18 OF 1976)

AN

ACT

further to amend the Delhi Rent Control Act, 1958.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Delhi Rent Control (Amendment) Act, 1976.

(2) It shall be deemed to have come into force on the 1st day of December, 1975.

CHAPTER II

**AMENDMENT OF THE DEFINITION OF "TENANT" AND
PROVISIONS CONSEQUENTIAL TO SUCH AMENDMENT**

2. *Amendment of section 2.*—In section 2 of the Delhi Rent Control Act, 1958 (59 of 1958) (hereinafter referred to as the principal Act), for clause (1), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

"(1) "tenant" means any person by whom or on whose account or behalf the rent of any premises is, or, but for a special contract, would be, payable, and includes—

(i) a sub-tenant;

- (ii) any person continuing in possession after the termination of his tenancy; and
- (iii) in the event of the death of the person continuing in possession after the termination of his tenancy, subject to the order of succession and conditions specified, respectively, in *Explanation I* and *Explanation II* to this clause, such of the aforesaid person's—

- (a) spouse,
 (b) son or daughter, or, where there are both son and daughter, both of them,
 (c) parents,
 (d) daughter-in-law, being the widow of his pre-deceased son,

as had been ordinarily living in the premises with such person as a member or members of his family up to the date of his death, but does not include,—

- (A) any person against whom an order or decree for eviction has been made, except where such decree or order for eviction is liable to be re-opened under the proviso to section 3 of the Delhi Rent Control (Amendment) Act, 1976;
 (B) any person to whom a licence, as defined by section 52 of the Indian Easements Act, 1882 (5 of 1882), has been granted.

Explanation I.—The order of succession in the event of the death of the person continuing in possession after the termination of his tenancy shall be as follows:—

- (a) firstly, his surviving spouse;
 (b) secondly, his son or daughter, or both, if there is no surviving spouse, or if the surviving spouse did not ordinarily live with the deceased person as a member of his family up to the date of his death;
 (c) thirdly, his parents, if there is no surviving spouse, son or daughter of the deceased person, or if such surviving spouse, son or daughter or any of them, did not ordinarily live in the premises as a member of the family of the deceased person up to the date of his death; and
 (d) fourthly, his daughter-in-law, being the widow of his predeceased son, if there is no surviving spouse, son, daughter or parents of the deceased person, or if such surviving spouse, son, daughter or parents, or any of them, did not ordinarily live in the premises as a member of the family of the deceased person up to the date of his death;

Explanation II.—If the person, who acquires, by succession, the right to continue in possession after the termination of the tenancy, was not financially dependent on the deceased person on the date of his death, such successor shall acquire such right for a limited period of one year; and, on the expiry of that period, or on his death, whichever is earlier, the right of such successor to continue in possession after the termination of the tenancy shall become extinguished.

Explanation III.—For the removal of doubts, it is hereby declared that,—

- (a) where, by reason of *Explanation II*, the right of any successor to continue in possession after the termination of the tenancy becomes extinguished, such extinguishment shall not affect the right of any other successor of the same category

to continue in possession after the termination of the tenancy; but if there is no other successor of the same category, the right to continue in possession after the termination of the tenancy shall not, on such extinguishment, pass on to any other successor specified in any lower category or categories, as the case may be;

- (b) the right of every successor, referred to in *Explanation I*, to continue in possession after the termination of the tenancy, shall be personal to him and shall not, on the death of such successor, devolve on any of his heirs.

3. *Saving.*—Nothing contained in the principal Act, as amended by this Act, shall be deemed to authorise the re-opening of any proceeding for—

- (a) the fixation of standard rent in relation to any premises to which the principal Act applies; or
 (b) the eviction of any person from any premises to which the principal Act applies; and
 (c) any other matter which the Controller is empowered, by or under the principal Act, to decide,

if such proceeding had been finally disposed of before the commencement of this Act:

Provided that if, in relation to any proceeding which had been finally disposed of before the commencement of this Act, the Controller is satisfied that the landlord had not recovered possession of the premises in relation to which the decree or order for eviction of the person in possession thereof was made; he shall, if such person by a written application made within ninety days from such commencement so desires, set aside such decree or order and re-open the proceeding for such eviction and decide such proceeding in accordance with the provisions of the principal Act as amended by this Act.

4. *Applications for execution of the decree or order for eviction to stand stayed.*—Every application for the execution of any decree or order for the eviction of any person from any premises referred to in section 3, which was not finally disposed of before the commencement of this Act, shall stand stayed for a period of ninety days from such commencement, or, where any application is made for the re-opening of the proceeding in which such decree or order for eviction was made, until the final disposal of such application, whichever is later.

Explanation.—For the purposes of sections 3 and 4, an application or proceeding, as the case may be, shall be deemed to have been finally disposed of, if, in relation to that application or proceeding, any appeal or second appeal is pending, or, if the period of limitation for preferring an appeal or second appeal, as the case may be, had not expired before the commencement of this Act.

CHAPTER III

RIGHT OF LANDLORD TO RECOVER IMMEDIATE POSSESSION IN CERTAIN CASES

5. *Insertion of new section 14A.*—After section 14 of the principal Act, the following section shall be inserted, namely:—

“14A. *Right to recover immediate possession of premises to accrue to certain persons.*—(1) Where a landlord who, being a person in occupation of any residential premises allotted to him by the Central Government or any local authority is required, by, or in pursuance of, any general or special order made by that Government

or authority, to vacate such residential accommodation, or in default, to incur certain obligations, on the ground that he owns, in the Union territory of Delhi, a residential accommodation either in his own name or in the name of his wife or dependent child, there shall accrue, on and from the date of such order to such landlord notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether express or implied) custom or usage to the contrary a right to recover immediately possession of any premises let out by him:

Provided that nothing in this section shall be construed as conferring a right on a landlord owning, in the Union territory of Delhi two or more dwelling houses whether in his own name or in the name of his wife or dependent child, to recover the possession of more than one dwelling house and it shall be lawful for such landlord to indicate the dwelling house possession of which he intends to recover.

(2) Notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract, custom or usage to the contrary, where the landlord exercises the right of recovery conferred on him by sub-section (1), no compensation shall be payable by him to the tenant or any person claiming through or under him and no claim for such compensation shall be entertained by any court, tribunal or other authority:

Provided that where the landlord had received,—

- (a) any rent in advance from the tenant, he shall, within a period of ninety days from the date of recovery of possession of the premises by him, refund to the tenant such amount as represents the rent payable for the unexpired portion of the contract, agreement or lease;
- (b) any other payment, he shall, within the period aforesaid, refund to the tenant a sum which shall bear the same proportion to the total amount so received, as the unexpired portion of the contract or agreement, or lease bears to the total period of contract or agreement or lease:

Provided further that, if any default is made in making any refund as aforesaid, the landlord shall be liable to pay simple interest at the rate of six per cent per annum on the amount which he has omitted or failed to refund.”

CHAPTER IV

INSERTION OF NEW CHAPTER IIIA

6. *Insertion of new Chapter IIIA.*—After section 25 of the principal Act, the following Chapter shall be inserted, namely:—

CHAPTER IIIA

SUMMARY TRIAL OF CERTAIN APPLICATIONS

25A. *Provisions of this Chapter to have over-riding effect.*—The provisions of this Chapter or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained elsewhere in this Act or in any other law for the time being in force.

25B. *Special procedure for the disposal of applications for eviction.*—(1) Every application by a landlord for the recovery of possession of any premises on the ground specified in clause (e) of the proviso to sub-section (1) of section 14, or under section 14A, shall be dealt with in accordance with the procedure specified in this section.

(2) The Controller shall issue summons, in relation to every application referred to in sub-section (1), in the form specified in the Third Schedule.

(3) *On the ground of bona fide requirement.*—(a) The Controller shall, in addition to, and simultaneously with, the issue of summons for service on the tenant, also direct the summons to be served by registered post, acknowledgement due, addressed to the tenant or his agent empowered to accept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and may, if the circumstances of the case so require, also direct the publication of the summons in a newspaper circulating in the locality in which the tenant is last known to have resided or carried on business or personally worked for gain.

(b) When an acknowledgement purporting to be signed by the tenant or his agent is received by the Controller or the registered article containing the summons is received back with an endorsement purporting to have been made by a postal employee to the effect that the tenant or his agent had refused to take delivery of the registered article, the Controller may declare that there has been a valid service of summons.

(4) The tenant on whom the summons is duly served (whether in the ordinary way or by registered post) in the form specified in the Third Schedule shall not contest the prayer for eviction from the premises unless he files an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Controller as hereinafter provided; and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction on the ground aforesaid.

(5) The Controller shall give to the tenant leave to contest the application if the affidavit filed by the tenant discloses such facts as would disentitle the landlord from obtaining an order for the recovery of possession of the premises on the ground, specified in clause (e) of the proviso to sub-section (1) of section 14, or under section 14A.

(6) Where leave is granted to the tenant to contest the application, the Controller shall commence the hearing of the application as early as practicable.

(7) Notwithstanding anything contained in sub-section (2) of section 37, the Controller shall, while holding an inquiry in a proceeding to which this Chapter applies, follow the practice and procedure of a Court of Small Causes, including the recording of evidence.

(8) No appeal or second appeal shall lie against an order for the recovery of possession of any premises made by the Controller in accordance with the procedure specified in this section:

Provided that the High Court may, for the purpose of satisfying itself that an order made by the Controller under this section is according to law, call for the records of the case and pass such order in respect thereto as it thinks fit.

(9) Where no application has been made to the High Court on revision, the Controller may exercise the powers of review in accordance with the provisions of Order XLVII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908).

(10) Save as otherwise provided in this Chapter, the procedure for the disposal of an application for eviction on the ground specified in clause (e) of the proviso to sub-section (1) of section 14, or under section 14A, shall be the same as the procedure for the disposal of applications by Controllers.

25C. *Act to have effect in a modified form in relation to certain persons.*—(1) Nothing contained in sub-section (6) of section 14 shall apply to a landlord who, being a person in occupation of any residential premises allotted to him by the Central Government or any local authority is required by, or in pursuance of, an order made by that Government or authority to vacate such residential accommodation, or, in default, to incur certain obligations, on the ground that he owns a residential accommodation either in his own name or in the name of his wife or dependent child in the Union territory of Delhi.

(2) In the case of a landlord who, being a person of the category specified in sub-section (1), has obtained, on the ground specified in clause (e) of the proviso to sub-section (1) of section 14, or under section 14A, an order for the eviction of a tenant from any premises, the provisions of sub-section (7) of section 14 shall have effect as if for the words "six months", occurring therein, the words "two months" were substituted.

7. *Insertion of Third Schedule.*—After the Second Schedule to the principal Act, the following Schedule shall be inserted, namely:—

"THE THIRD SCHEDULE

[See section 25B(2)]

FORM OF SUMMONS IN A CASE WHERE RECOVERY OF POSSESSION OF PREMISES IS PRAYED FOR ON THE GROUND OF *bona fide* REQUIREMENT OR UNDER SECTION 14A

To

[Name, description and place of residence of the tenant.]

WHEREAS Shri..... has filed an application (a copy of which is annexed) for your eviction from (here insert the particulars of the premises) on the ground specified in clause (e) of the proviso to sub-section (1) of section 14, or under section 14A;

You are hereby summoned to appear before the Controller within fifteen days of the service hereof and to obtain the leave of the Controller to contest the application for eviction on the ground aforesaid; in default whereof, the applicant will be entitled at any time after the expiry of the said period of fifteen days to obtain an order for your eviction from the said premises.

Leave to appear and contest the application may be obtained on an application to the Controller supported by an affidavit as is referred to in sub-section (5) of section 25B.

Given under my hand and seal.

This day of 19

Controller."

8. *Repeal and saving.*—(1) The Delhi Rent Control (Amendment) Ordinance, 1975 (24 of 1975), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

Assented to on 9-2-1976

THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976

(ACT No. 19 of 1976)

AN

ACT

to provide for the abolition of, bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Bonded Labour System (Abolition) Act, 1976.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 25th day of October, 1975.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "advance" means an advance, whether in cash or in kind, or partly in cash or partly in kind, made by one person (hereinafter referred to as the creditor) to another person (hereinafter referred to as the debtor);
- (b) "agreement" means an agreement (whether written or oral, or partly written and partly oral) between a debtor and creditor, and includes an agreement providing for forced labour, the existence of which is presumed under any social custom prevailing in the concerned locality.

Explanation.—The existence of an agreement between the debtor and creditor is ordinarily presumed, under the social custom in relation to the following forms of forced labour, namely:—

Adiyamar, Baramsia, Basahya, Bethu, Bhagela, Cherumar, Garru-Galu, Hali, Hari, Harwai, Holya, Jana, Jeetha, Kamiya, Khundit-Mundit, Kuthia, Lakhari, Munjhi, Mat, Munish system, Nit-Majoor, Paleru, Padiyal, Pannayilal, Sagri, Sanji, Sanjawat, Sewak, Sewakia, Seri, Vetti;

- (c) "ascendant" or "descendant", in relation to a person belonging to a matriarchal society, means the person who corresponds to such expression in accordance with the law of succession in force in such society;
- (d) "bonded debt" means an advance obtained, or presumed to have been obtained, by a bonded labourer under, or in pursuance of, the bonded labour system;
- (e) "bonded labour" means any labour or service rendered under the bonded labour system;
- (f) "bonded labourer" means a labourer who incurs, or has, or is presumed to have, incurred, a bonded debt;
- (g) "bonded labour system" means the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have,

entered, into an agreement with the creditor to the effect that,—

- (i) in consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, due on such advance, or
- (ii) in pursuance of any customary or social obligation, or
- (iii) in pursuance of an obligation devolving on him by succession, or
- (iv) for any economic consideration received by him or by any of his lineal ascendants or descendants, or
- (v) by reason of his birth in any particular caste or community,

he would—

- (1) render, by himself or through any member of his family, or any person dependent on him, labour or service to the creditor, or for the benefit of the creditor, for a specified period or for an unspecified period, either without wages or for nominal wages, or
- (2) forfeit the freedom of employment or other means of livelihood for a specified period or for an unspecified period, or
- (3) forfeit the right to move freely throughout the territory of India, or
- (4) forfeit the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his family or any person dependent on him,

and includes the system of forced, or partly forced, labour under which a surety for a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that in the event of his failure of the debtor to repay the debt, he would render the bonded labour on behalf of the debtor;

- (h) "family" in relation to a person, includes the ascendant and descendant of such person;
- (i) "nominal wages", in relation to any labour, means a wage which is less than,—
 - (a) the minimum wages fixed by the Government, in relation to the same or similar labour, under any law for the time being in force, and
 - (b) where no such minimum wage has been fixed in relation to any form of labour, the wages that are normally paid, for the same or similar labour, to the labourers working in the same locality;
- (j) "prescribed" means prescribed by rules made under this Act.

3. *Act to have over-riding effect.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, or in any instrument having effect by virtue of any enactment other than this Act.

CHAPTER II

ABOLITION OF BONDED LABOUR SYSTEM

4. *Abolition of bonded labour system.*—(1) On the commencement of this Act, the bonded labour system shall stand abolished and every bonded labourer shall, on such commencement, stand freed and discharged from any obligation to render any bonded labour.

(2) After the commencement of this Act, no person shall—

- (a) make any advance under, or in pursuance of, the bonded labour system, or
- (b) compel any person to render any bonded labour or other form of forced labour.

5. *Agreement, custom, etc., to be void.*—On the commencement of this Act, any custom or tradition or any contract, agreement or other instrument (whether entered into or executed before or after the commencement of this Act), by virtue of which any person, or any member of the family or dependant of such person, is required to do any work or render any service as a bonded labourer, shall be void and inoperative.

CHAPTER III

EXTINGUISHMENT OF LIABILITY TO REPAY BONDED DEBT

6. *Liability to repay bonded debt to stand extinguished.*—

(1) On the commencement of this Act, every obligation of a bonded labourer to repay any bonded debt, or such part of any bonded debt as remains unsatisfied immediately before such commencement, shall be deemed to have been extinguished.

(2) After the commencement of this Act, no suit or other proceeding shall lie in any civil court or before any other authority for the recovery of any bonded debt or any part thereof.

(3) Every decree or order for the recovery of bonded debt, passed before the commencement of this Act and not fully satisfied before such commencement, shall be deemed, on such commencement, to have been fully satisfied.

(4) Every attachment made before the commencement of this Act, for the recovery of any bonded debt, shall, on such commencement, stand vacated; and, where, in pursuance of such attachment, any movable property of the bonded labourer was seized and removed from his custody and kept in the custody of any court or other authority pending sale thereof, such movable property shall be restored, as soon as may be practicable after such commencement, to the possession of the bonded labourer.

(5) Where, before the commencement of this Act, possession of any property belonging to a bonded labourer or a member of his family or other dependant was forcibly taken over by any creditor for the recovery of any bonded debt, such property shall be restored, as soon as may be practicable after such commencement, to the possession of the person from whom it was seized.

(6) If restoration of the possession of any property referred to in sub-section (4) or sub-section (5) is not made within thirty days from the commencement of this Act, the aggrieved person may, within such time as may be prescribed, apply to the prescribed authority for the restoration of the possession of such property and the prescribed authority may, after giving the creditor a reasonable opportunity of being heard, direct the creditor to restore to the applicant the possession of the concerned property within such time as may be specified in the order.

(7) Any order made by any prescribed authority, under sub-section (6), shall be deemed to be an order made by a civil court and may be executed by the court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction the creditor voluntarily resides or carries on business or personally works for gain.

(8) For the avoidance of doubts, it is hereby declared that, where any attached property was sold before the commencement of this Act, in execution of a decree or

order for the recovery of a bonded debt, such sale shall not be affected by any provision of this Act:

Provided that the bonded labourer, or an agent authorised by him in this behalf, may, at any time within five years from such commencement, apply to have the sale set aside on his depositing in court, for payment to the decree-holder, the amount specified in the proclamation of sale, for the recovery of which the sale was ordered, less any amount, as well as mesne profits, which may, since the date of such proclamation of sale, have been received by the decree-holder.

(9) Where any suit or proceeding, for the enforcement of any obligation under the bonded labour system, including a suit or proceeding for the recovery of any advance made to a bonded labourer, is pending at the commencement of this Act, such suit or other proceeding shall, on such commencement, stand dismissed.

(10) On the commencement of this Act, every bonded labourer who has been detained in civil prison, whether before or after judgment, shall be released from detention forthwith.

7. Property of bonded labourer to be freed from mortgage, etc.—(1) All property vested in a bonded labourer which was, immediately before the commencement of this Act under any mortgage, charge, lien or other incumbrances in connection with any bonded debt shall, in so far as it is relatable to the bonded debt, stand freed and discharged from such mortgage, charge, lien or other incumbrances, and where any such property was, immediately before the commencement of this Act, in the possession of the mortgagee or the holder of the charge, lien or incumbrance, such property shall (except where it was subject to any other charge), on such commencement, be restored to the possession of the bonded labourer.

(2) If any delay is made in restoring any property, referred to in sub-section (1), to the possession of the bonded labourer, such labourer shall be entitled, on and from the date of such commencement, to recover from the mortgagee or holder of the lien, charge or incumbrance, such mesne profits as may be determined by the civil court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction such property is situated.

8. Freed bonded labourer not to be evicted from homestead, etc.—(1) No person who has been freed and discharged under this Act from any obligation to render any bonded labour, shall be evicted from any homestead or other residential premises which he was occupying immediately before the commencement of this Act as part of the consideration for the bonded labour.

(2) If, after the commencement of this Act, any such person is evicted by the creditor from any homestead or other residential premises, referred to in sub-section (1), the Executive Magistrate in charge of the Sub-Division within which such homestead or residential premises is situated shall, as early as practicable, restore the bonded labourer to the possession of such homestead or other residential premises.

9. Creditor not to accept payment against extinguished debt.—(1) No creditor shall accept any payment against any bonded debt which has been extinguished or deemed to have been extinguished or fully satisfied by virtue of the provisions of his Act.

(2) Whoever contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to three years and also with fine.

(3) The court, convicting any person under sub-section (2) may, in addition to the penalties which may be imposed under that sub-section, direct the person to deposit, in court, the amount accepted in contravention of the provisions of sub-section (1), within such period as may be specified in the order for being refunded to the bonded labourer.

CHAPTER IV

IMPLEMENTING AUTHORITIES

10. Authorities who may be specified for implementing the provisions of this Act.—The State Government may confer such powers and impose such duties on a District Magistrate as may be necessary to ensure that the provisions of this Act are properly carried out and the District Magistrate may specify the officer, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer so specified.

11. Duty of District Magistrate and other officers to ensure credit.—The District Magistrate authorised by the State Government under section 10 and the officer specified by the District Magistrate under that section shall, as far as practicable, try to promote the welfare of the freed bonded labourer by securing and protecting the economic interests of such bonded labourer so that he may not have any occasion or reason to contract any further bonded debt.

12. Duty of District Magistrate and officers authorised by him.—It shall be the duty of every District Magistrate and every officer specified by him under section 10 to inquire whether, after the commencement of this Act, any bonded labour system or any other form of forced labour is being enforced by, or on behalf of, any person resident within the local limits of his jurisdiction and if, as a result of such inquiry, any person is found to be enforcing the bonded labour system or any other system of forced labour, he shall forthwith take such action as may be necessary to eradicate the enforcement of such forced labour.

CHAPTER V

VIGILANCE COMMITTEES

13. Vigilance Committees.—(1) Every State Government shall, by notification in the Official Gazette, constitute such number of Vigilance Committees in each district and each Sub-Division as it may think fit.

(2) Each Vigilance Committee, constituted for a district, shall consist of the following members, namely:—

- (a) the District Magistrate, or a person nominated by him who shall be the Chairman;
- (b) three persons belonging to the Scheduled Castes or Scheduled Tribes and residing in the district, to be nominated by the District Magistrate;
- (c) two social workers, resident in the district, to be nominated by the District Magistrate;
- (d) not more than three persons to represent the official or non official agencies in the district connected with rural development, to be nominated by the State Government;
- (e) one person to represent the financial and credit institutions in the district, to be nominated by the District Magistrate.

(3) Each Vigilance Committee, constituted for a Sub-Division, shall consist of the following members namely:—

- (a) the Sub-Divisional Magistrate, or a person, nominated by him, who shall be the Chairman;
- (b) three persons belonging to the Scheduled castes or Scheduled tribes and residing in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;
- (c) two social workers, resident in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;
- (d) not more than three persons to represent the official or non-official agencies in the Sub-Division connected with rural development to be nominated by the District Magistrate;
- (e) one person to represent the financial and credit institutions in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;
- (f) one officer specified under section 10 and functioning in the Sub-Division.

(4) Each Vigilance Committee shall regulate its own procedure and secretarial assistance, as may be necessary, shall be provided by—

- (a) the District Magistrate, in the case of a Vigilance Committee constituted for the district;
- (b) the Sub-Divisional Magistrate, in the case of a Vigilance Committee constituted for the Sub-Division.

(5) No proceeding of a Vigilance Committee shall be invalid merely by reason of any defect in the constitution, or in the proceedings, of the Vigilance Committee.

14 Functions of Vigilance Committees.—(1) The functions of each Vigilance Committee shall be,—

- (a) to advise the District Magistrate or any officer authorised by him as to the efforts made, and action taken, to ensure that the provisions of this Act or of any rule made thereunder are properly implemented;
- (b) to provide for the economic and social rehabilitation of the freed bonded labourers;
- (c) to co-ordinate the functions of rural banks and co-operative societies with a view to canalising adequate credit to the freed bonded labourer;
- (d) to keep an eye on the number of offences of which cognizance has been taken under this Act;
- (e) to make a survey as to whether there is any offence of which cognizance ought to be taken under this Act;
- (f) to defend any suit instituted against a freed bonded labourer or a member of his family or any other person dependent on him for the recovery of the whole or part of any bonded debt or any other debt which is claimed by such person to be bonded debt.

(2) A Vigilance Committee may authorise one of its members to defend a suit against a freed bonded labourer and the member so authorised shall be deemed, for the purpose of such suit, to be the authorised agent of the freed bonded labourer.

15. Burden of proof.—Whenever any debt is claimed by a bonded labourer, or a Vigilance Committee, to be a bonded debt, the burden of proof that such debt is not a bonded debt shall lie on the creditor.

CHAPTER VI

OFFENCES AND PROCEDURE FOR TRIAL

16. Punishment for enforcement of bonded labour.—Whoever, after the commencement of this Act, compels any person to render any bonded labour shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees.

17. Punishment for advancement of bonded debt.—Whoever advances, after the commencement of this Act, any bonded debt shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees.

18. Punishment for extracting bonded labour under the bonded labour system.—Whoever enforces, after the commencement of this Act any custom, tradition, contract, agreement or other instrument by virtue of which any person or any member of the family of such person or any dependant of such person is required to render any service under the bonded labour system shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees; and, out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of rupees five for each day for which the bonded labour was extracted from him.

19. Punishment for omission or failure to restore possession of property to bonded labourers.—Whoever, being required by this Act to restore any property to the possession of any bonded labourer, omits or fails to do so, within a period of thirty days from the commencement of this Act, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and, out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of rupees five for each day during which possession of the property was not restored to him.

20. Abetment to be an offence.—Whoever abets any offence punishable under this Act shall, whether or not the offence abetted is committed, be punishable with the same punishment as is provided for the offence which has been abetted.

Explanation.—For the purpose of this Act “abetment” has the meaning assigned to it in the Indian Penal Code (45 of 1860).

21. Offences to be tried by Executive Magistrates.—(1) The State Government may confer, on an Executive Magistrate, the powers of a Judicial Magistrate of the first class or of the second class for the trial of offences under this Act; and, on such conferment of powers, the Executive Magistrate, on whom the powers are so conferred, shall be deemed, for the purposes of the Code of Criminal Procedure, 1973 (2 of 1974), to be a Judicial Magistrate of the first class, or of the second class, as the case may be.

(2) An offence under this Act may be tried summarily by a Magistrate.

22. Cognizance of offences.—Every offence under this Act shall be cognizable and bailable.

23. Offences by companies.—(1) Where an offence under this Act, has been committed by a company,

every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) “company” means any body corporate and includes a firm or other association of individuals; and,
- (b) “director”, in relation to a firm, means a partner in the firm.

CHAPTER VII

MISCELLANEOUS

24. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against any State Government or any officer of the State Government or any member of the Vigilance Committee for anything which is in good faith done or intended to be done under this Act.

25. *Jurisdiction of civil courts barred.*—No civil court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Act.

26. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the foregoing, power such rules may provide for all or any of the following matters, namely:—

- (a) the authority to which application for the restoration of possession of property referred to in sub-section (4), or sub-section (5), of section 6 is to be submitted, in pursuance of sub-section (6) of that section;
- (b) the time within which application for restoration of possession of property is to be made, under sub-section (6) of section 6, to the prescribed authority;
- (c) steps to be taken by Vigilance Committees under clause (a) of sub-section (1) of section 14, to ensure the implementation of the provisions of this Act or of any rule made thereunder;
- (d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately

following the session or successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

27. *Repeal and saving.*—(1) The Bonded Labour System (Abolition) Ordinance, 1975 (17 of 1975) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance (including any notification published, direction or nomination made, power conferred, duty imposed or officer specified) shall be deemed to have been done or taken under the corresponding provisions of this Act.

Assented to on 9-2-1976.

THE CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES (AMENDMENT) ACT, 1976

(ACT NO. 20 OF 1976)

AN

ACT

further to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1976.

(2) It shall be deemed to have come into force on the 12th day of December, 1975.

2. *Amendment of section 9.*—In section 9 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) (hereinafter referred to as the principal Act), in sub-section (1), for the words, figures and letters “the 31st day of December, 1975”, the words, figures and letters “the 31st day of December, 1977” shall be substituted.

3. *Temporary amendments.*—During the period when the Proclamation of Emergency issued under clause (1) of article 352 of the Constitution on the 3rd day of December, 1971 and the Proclamation of Emergency issued under that clause on the 25th day of June, 1975, are both in operation, the principal Act shall have effect subject to the modifications that—

(1) in section 10—

- (a) for the words “one year from the date of detention”, the words “a period of one year from the date of detention or the specified period, whichever period expires later,” shall be substituted.
- (b) for the words “two years from the date of detention”, the words “a period of two years from

the date of detention or the specified period, which ever period expires later:" shall be substituted;

- (c) the following *Explanation* shall be inserted at the end, namely:

Explanation.—In this section and in section 10A, "specified period" means the period during which the Proclamation of Emergency issued under clause (1) of article 352 of the Constitution on the 3rd day of December, 1971 and the Proclamation of Emergency issued under that clause on the 25th day of June, 1975, are both in operation.;

- (2) after section 10, the following section shall be inserted, namely:

"10A. *Extension of period of detention.*—(1) Notwithstanding anything contained in any other provision of this Act, the detention of every person detained under a detention order which has been confirmed under clause (f) of section 8 before the commencement of the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1976, and which is in force immediately before such commencement shall, unless his detention has been continued by the appropriate Government under the said clause for a period shorter than one year from the date of his detention, continue until the expiry of a period of one year from the date of his detention under such order or until expiry of the specified period, whichever period expires later:

Provided that nothing contained in this sub-section shall affect the power of the appropriate Government to revoke or modify such detention order at any earlier time.

- (2) Notwithstanding anything contained in any other provision of this Act, the detention of every person detained under a detention order which has been confirmed under clause (f) of section 8 read with sub-section (2) of section 9 before the commencement of the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1976, and which is in force immediately before such commencement, shall, unless his detention has been continued by the appropriate Government under the said clause (f) read with the said sub-section (2), for a period shorter than two years from the date of his detention, continue until the expiry of a period of two years from the date of his detention under such order or until the expiry of the specified period, whichever period expires later:

Provided that nothing contained in this sub-section shall affect the power of the appropriate Government to revoke or modify such detention order at any earlier time."

4. *Amendment of section 12.*—In section 12 of the principal Act,—

- (a) for sub-section (1), the following sub-sections shall be substituted, namely:—

"(1) The Central Government may, at any time, direct that any person detained in pursuance of a detention order made by that Government

or an officer subordinate to that Government or by a State Government or by an officer subordinate to a State Government, may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release.

- (1A) A State Government may, at any time, direct that any person detained in pursuance of a detention order made by that Government or by an officer subordinate to that Government may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may, at time, cancel his release."

- (b) in sub-section (2), for the word, 'brackets and figure "under sub-section (1), the appropriate Government", the words, brackets, figures and letter "under sub-section (1) or sub-section (1A), the Government directing the release" shall be substituted.

- (c) in sub-sections (3) and (5), for the word, brackets and figure "sub-section (1)", the words, brackets, figures and letter "sub-section (1) or sub-section (1A)" shall be substituted.

5. *Repeal and saving.*—(1) The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Second Amendment) Ordinance, 1975 (29 of 1975), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended and modified by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended and modified by this Act.

Assented to on 9-2-1976.

THE REGIONAL RURAL BANKS ACT, 1976

(ACT NO. 21 OF 1976)

AN

ACT

to provide for the incorporation, regulation and winding up of Regional Rural Banks with a view to developing the rural economy by providing, for the purpose of development of agriculture, trade, commerce, industry and other productive activities in the rural areas, credit and other facilities, particularly to the small and marginal farmers, agricultural labourers, artisans and small entrepreneurs, and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Regional Rural Banks Act, 1976.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 26th day of September, 1975.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "Board" in relation to a Regional Rural Bank, means the Board of directors of that Regional Rural Bank;
- (b) "Chairman", in relation to a Regional Rural Bank, means the individual appointed or re-appointed under sub-section (1) of section 11 as the Chairman of that bank;
- (c) "director", in relation to a Regional Rural Bank, means a member of the Board of that bank;
- (d) "notified area" means the local limits, specified under sub-section (1) of section 3, within which a Regional Rural Bank shall operate;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "Regional Rural Bank" means a Regional Rural Bank established under sub-section (1) of section 3;
- (g) "Sponsor Bank", in relation to a Regional Rural Bank, means a bank by which such Regional Rural Bank has been sponsored;
- (h) "State Government" means,—
 - (i) in relation to a Regional Rural Bank established in a Union territory, the Central Government;
 - (ii) in relation to a Regional Rural Bank established in a State, the Government of that State;
- (i) words and expressions used herein and not defined but defined in the Reserve Bank of India Act, 1934 (2 of 1934), shall have the meanings respectively assigned to them in that Act;
- (j) words and expressions used herein and not defined either in this Act or in the Reserve Bank of India Act, 1934 (2 of 1934), but defined in the Banking Regulation Act, 1949 (10 of 1949), shall have the meanings respectively assigned to them in the Banking Regulation Act, 1949.

CHAPTER II

INCORPORATION AND CAPITAL OF REGIONAL RURAL BANKS

3. *Establishment and incorporation of Regional Rural Banks.*—(1) The Central Government may, if requested so to do by a Sponsor Bank, by notification in the Official Gazette, establish in a State or Union territory, one or more Regional Rural Banks with such name as may be specified in the notification and may, by the said or subsequent notification, specify the local limits within which each Regional Rural Bank shall operate.

(2) Every Regional Rural Bank shall be a body corporate with perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract and may sue and be sued in its name.

(3) It shall be the duty of the Sponsor Bank to aid and assist the Regional Rural Bank, sponsored by it, by subscribing to the share capital of such Regional Rural Bank, recruitment and training of personnel during the first five years of the functioning of the Regional Rural

Bank and providing such managerial and financial assistance as may be mutually agreed upon between the Sponsor Bank and the Regional Rural Bank.

4. *Office and agencies.*—(1) A Regional Rural Bank shall have its head office at such place in the notified area as the Central Government may, after consultation with the Reserve Bank and the Sponsor Bank, specify by notification in the Official Gazette.

(2) A Regional Rural Bank may, if it is of opinion that it is necessary so to do, establish its branches or agencies at any place in the notified area.

5. *Authorised capital.*—The authorised capital of each Regional Rural Bank shall be one crore of rupees, divided into one lakh of fully paid-up shares of one hundred rupees each:

Provided that the Central Government may, after consultation with the Reserve Bank and the Sponsor Bank, increase or reduce such authorised capital; so, however, that the authorised capital shall not be reduced below twenty-five lakhs of rupees, and the shares shall be in all cases, fully paid-up shares of one hundred rupees each.

6. *Issued capital.*—(1) The issued capital of each Regional Rural Bank shall be twenty-five lakhs of rupees.

(2) Of the capital issued by a Regional Rural Bank under sub-section (1), fifty per cent shall be subscribed by the Central Government; fifteen per cent by the concerned State Government and thirty-five per cent by the Sponsor Bank.

(3) The Board may, after consultation with the Reserve Bank, the concerned State Government and the Sponsor Bank and with the prior approval of the Central Government, from time to time, increase the issued capital of the Regional Rural Bank; and, where additional capital is issued, such capital shall also be subscribed in the same proportion as is specified in sub-section (2).

7. *Shares to be approved securities.*—Notwithstanding anything contained in the Acts hereinafter mentioned in this section, the shares of a Regional Rural Bank shall be deemed to be included among the securities enumerated in section 20 of the Indian Trusts Act, 1882 (2 of 1882), and shall also be deemed to be approved securities for the purposes of the Banking Regulation Act, 1949 (10 of 1949).

CHAPTER III

MANAGEMENT

8. *Management.*—(1) Subject to the provisions of this Act, the general superintendence, direction and management of the affairs and business of a Regional Rural Bank shall vest in a Board of directors who may exercise all the powers and discharge all the functions which may be exercised or discharged by the Regional Rural Bank.

(2) In discharging its functions, the Board shall act on business principles and shall have due regard to public interest.

9. *Board of directors.*—(1) The Board of directors shall consist of the Chairman appointed under

sub-section (1) of section 11, and the following other members, namely:—

- (a) not more than three directors, to be nominated by the Central Government;
- (b) not more than two directors, to be nominated by the concerned State Government; and
- (c) not more than three directors, to be nominated by the Sponsoring Bank.

(2) The Central Government may increase the number of members of the Board; so, however, that the number of directors does not exceed fifteen in the aggregate and also prescribe the manner in which the additional number may be filled in.

10. Term of office of directors.—A director (other than the Chairman) shall hold office for such period not exceeding two years, from the date when he assumes office, as the authority nominating him may specify at the time when the nomination is made, and may, on the expiry of the said period, continue to hold office until his successor has been nominated and shall also be eligible for re-nomination.

11. Chairman.—(1) The Central Government shall appoint an individual to be the Chairman of a Regional Rural Bank and specify the period, not exceeding five years, for which such individual shall, subject to the provisions of sub-section (4), hold office as the Chairman.

(2) The individual, appointed as a Chairman under sub-section (1), shall, on the expiry of the period specified under that sub-section, be eligible for re-appointment.

(3) The Chairman shall devote his whole time to the affairs of the Regional Rural Bank and shall have, subject to the superintendence, control and direction of the Board, the management of the whole of the affairs of the Regional Rural Bank.

(4) The Chairman shall hold office during the pleasure of the Central Government.

(5) The Chairman shall receive such salary and allowances and be governed by such terms and conditions of service as may be determined by the Central Government.

(6) If the Chairman is, by infirmity or otherwise, rendered incapable of carrying out his duties or is absent, on leave or otherwise, in circumstances not involving the vacation of office, the Central Government may appoint another individual to act as the Chairman during the absence of the first-mentioned Chairman.

12. Disqualifications.—A person shall be disqualified for being appointed or, as the case may be, nominated as, and for being, a director, if he—

- (a) is, or, at any time has been, adjudged insolvent or has suspended payment of his debt or has compounded with his creditors, or
- (b) is of unsound mind and stands so declared by a competent court, or
- (c) is, or has been, convicted of an offence which, in the opinion of the Central Government, involves moral turpitude.

13. Vacation of the seat of directors.—(1) If a director—

- (a) becomes subject to any disqualification specified in section 12, or

(b) is absent without leave of the Board for more than three consecutive meetings thereof,

his seat shall thereupon become vacant.

(2) The Chairman may resign his office by giving notice thereof in writing to the Central Government and a director may resign his office by giving notice thereof to the authority by which he was nominated; and, on such resignation being accepted, the Chairman or the director, as the case may be, shall be deemed to have vacated his office.

14. Meetings of Board.—(1) The Board of directors of a Regional Rural Bank shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

(2) The Chairman of the Regional Rural Bank shall preside over every meeting of the Board, and, in his absence, such director as the Chairman may generally, or in relation to any particular meeting, authorise in this behalf shall preside; and, in the absence of both the Chairman and the director so authorised, the directors present at the meeting shall elect one from among themselves to preside over the meeting.

Explanation.—For the purposes of this sub-section, "absence" from a meeting means non-attendance for any reason whatsoever at the meeting, or any part of the meeting during which any business is transacted.

(3) All questions at a meeting of the Board shall be decided by a majority of the votes of the directors present and voting; and, in case of equality of votes, the person presiding shall have a second or casting vote.

(4) No director shall, as a director, take part in the discussion of, or vote on, any contract, loan, arrangement or proposal, entered into or to be entered into, by or on behalf of the Regional Rural Bank, if he is, in any way, whether directly or indirectly, interested in the contract, loan, arrangement or proposal and, where a director is interested in any such matter, he shall, at the earliest possible opportunity, disclose to the Board the nature of his interest in such contract, loan, arrangement or proposal, and where he does so, his presence at the meeting shall not count for the purpose of forming any quorum at the time of any such discussion or vote, and if he does vote, his vote shall be void.

Provided that nothing contained in this sub-section shall apply to such director by reason only of his being—

- (i) a shareholder (other than a director) holding not more than two per cent of the paid-up capital in any public company within the meaning of the Companies Act, 1956 (1 of 1956), or any corporation established by or under any law for the time being in force in India or any co-operative society, with which the Regional Rural Bank has entered into, or proposes to enter into, any contract, loan, arrangement or proposal; or

- (ii) a director of the Regional Rural Bank as such.

15. Committees of Board.—The Board may constitute such committees, whether consisting wholly of directors or wholly of other persons or partly of directors and partly of other persons, as it may think fit, for such purposes as it may decide.

16. Fees and allowances of directors and members of committees.—(1) Every director and every member of a committee (other than the Chairman) shall be paid such fees and allowances as may be determined by the Central Government:

Provided that no fees shall be paid to any director, or member of a committee, if he is an officer of the Central Government, State Government, the Reserve Bank, Sponsor Bank or any other bank.

(2) The allowances payable to a director or a member of a committee, who is an officer of the Central Government, State Government, Reserve Bank, Sponsor Bank or any other bank, shall be paid by the Government or bank by which such officer is employed; and the allowances and fees payable to any other director or member of a committee shall be payable by the concerned Regional Rural Bank.

17. Staff of Regional Rural Banks.—(1) A Regional Rural Bank may appoint such number of officers and other employees as it may consider necessary or desirable for the efficient performance of its functions and may determine the terms and conditions of their appointment and service:

Provided that, it shall be lawful for a Sponsor Bank, if requested so to do by a Regional Rural Bank sponsored by it, to send, during the first five years of the functioning of a Regional Rural Bank, such number of officers or other employees on deputation to the Regional Rural Bank as may be necessary or desirable for the efficient performance of its functions:

Provided further that the remuneration of officers and other employees appointed by a Regional Rural Bank shall be such as may be determined by the Central Government, and, in determining such remuneration, the Central Government shall have due regard to the salary structure of the employees of the State Government and the local authorities of comparable level and status in the notified area.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or any other law for the time being in force, no award, judgment, decree, decision or order of any industrial tribunal, court or other authority, made before the commencement of this Act, shall apply to the terms and conditions in relation to the persons appointed by a Regional Rural Bank.

(3) The officers and other employees of a Regional Rural Bank shall exercise such powers and perform such duties as may be entrusted or delegated to them by the Board.

CHAPTER IV

BUSINESS OF A REGIONAL RURAL BANK

18. Business which a Regional Rural Bank may transact.—

(1) Every Regional Rural Bank shall carry on and transact the business of banking as defined in clause (b) of section 5 of the Banking Regulation Act, 1949 (10 of 1949), and may engage in one or more forms of business specified in sub-section (1) of section 6 of that Act.

(2) Without prejudice to the generality of the provisions of sub-section (1), every Regional Rural Bank may, in particular, undertake the following types of business, namely:—

(a) the granting of loans and advances, particularly to small and marginal farmers and agricultural labourers, whether individually or in groups,

and to co-operative societies, including agricultural marketing societies, agricultural processing societies, co-operative farming societies, primary agricultural credit societies or farmers' service societies, for agricultural purposes or agricultural operations or for other purposes connected therewith;

(b) the granting of loans and advances, particularly to artisans, small entrepreneurs and persons of small means engaged in trade, commerce or industry or other productive activities, within the notified area in relation to the Regional Rural Bank.

CHAPTER V

ACCOUNTS AND AUDIT

19. Closure of accounts.—(1) Every Regional Rural Bank shall cause its books to be closed and balanced as on the 31st day of December of each year and shall appoint with the approval of the Central Government auditors for the audit of its accounts.

(2) Every auditor of a Regional Rural Bank shall be a person who is qualified to act as an auditor of a company under section 226 of the Companies Act, 1956 (1 of 1956), and shall receive such remuneration as the Regional Rural Bank may fix with the approval of the Central Government.

(3) Every auditor shall be supplied with a copy of the annual balance-sheet and profit and loss account of the Regional Rural Bank, and a list of all books kept by the Regional Rural Bank, and it shall be the duty of the auditor to examine the balance-sheet and vouchers relating thereto, and, in the performance of his duties, the auditor—

(a) shall have, at all reasonable times, access to the books, accounts and other documents of the Regional Rural Bank;

(b) may, at the expense of the Regional Rural Bank, employ accountants or other persons to assist him in investigating such accounts; and

(c) may, in relation to such accounts, examine the Chairman or any officer or employee of the Regional Rural Bank.

(4) Every auditor of a Regional Rural Bank shall make a report to that bank upon the annual balance-sheet and accounts and in every such report shall state,—

(a) whether, in his opinion, the balance-sheet is a full and fair balance-sheet containing all necessary particulars and is properly drawn up so as to exhibit a true and fair view of the affairs of the Regional Rural Bank, and, in case he had called for any explanation or information, whether it has been given and whether it is satisfactory;

(b) whether or not, the transactions of the Regional Rural Bank, which have come to his notice, have been within the powers of that bank;

(c) whether or not, the returns received from the offices and branches of the Regional Rural Bank have been found adequate for the purpose of his audit;

(d) whether the profit and loss account shows a true balance of profit or loss for the period covered by such accounts; and

(e) any other matter which he considers should be brought to the notice of the Regional Rural Bank.

20. *Annual report to be furnished to the shareholders.*—Every Regional Rural Bank shall, within sixty days from the date of closure of its accounting year, send to each of its shareholders a report as to its working and activities during the accounting year immediately preceding together with a copy of its balance-sheet, profit and loss account and the auditor's report in relation to the accounts of the said accounting year.

21. *Disposal of profits.*—After making provisions for bad and doubtful debts, depreciation in assets, contributions to staff and superannuation funds and all other matters for which provision is, under law, necessary or which are usually provided for by banking companies, a Regional Rural Bank may, out of its net profits, declare a dividend.

22. *Regional Rural Bank to be deemed to be a co-operative society for purpose of the Income-tax Act, 1961.*—For the purpose of the Income-tax Act, 1961 (43 of 1961), or any other enactment for the time being in force relating to any tax on income, profits or gains, a Regional Rural Bank shall be deemed to be a co-operative society.

23. *Interest-tax not payable.*—Notwithstanding anything contained in the Interest-tax Act, 1974 (45 of 1974), no Regional Rural Bank shall be liable to pay any tax under that Act.

CHAPTER VI

MISCELLANEOUS

24. *Power of Central Government to give directions.*—(1) A Regional Rural Bank shall, in the discharge of its functions, be guided by such directions in regard to matters of policy involving public interest as the Central Government may, after consultation with the Reserve Bank, give.

(2) If any question arises as to whether any such direction relates to a matter of policy involving public interest, the decision of the Central Government thereon shall be final.

25. *Obligations as to fidelity and secrecy.*—(1) A Regional Rural Bank shall observe, except as otherwise required by law, the practices and usages customary among bankers and, in particular, it shall not divulge any information relating to, or to the affairs of, its constituents except in circumstances in which it is, in accordance with the law or practice and usage customary among bankers, necessary or appropriate for the Regional Rural Bank to divulge.

(2) Every director, member of a committee or auditor, officer or other employee of a Regional Rural Bank shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in the Schedule to this Act.

26. *Bar to liquidation of Regional Rural Bank.*—No provision of law relating to the winding up of companies shall apply to a Regional Rural Bank and a Regional Rural Bank shall not be placed in liquidation save by order of the Central Government and in such manner as it may direct.

27. *Defects in appointment or constitution not to invalidate acts or proceedings.*—(1) No act of a Chairman, acting in good faith, shall be invalid merely by reason of any defect in his appointment or in the procedure.

(2) No act or proceeding of any Board of directors or of any committee of a Regional Rural Bank shall be invalid merely on the ground of the existence of any vacancy in, or defect in the constitution of, such Board or committee, as the case may be.

(3) Acts done by a person, acting in good faith, as a director or member of a committee of a Regional Rural Bank shall be valid, notwithstanding that it may afterwards be discovered that his appointment was invalid by reason of any defect or disqualification or had terminated by virtue of any provision contained in any law for the time being in force:

Provided that nothing in this section shall be deemed to give validity to any act done by a director or a member of any committee of a Regional Rural Bank after his appointment has been shown to the Regional Rural Bank to be invalid or to have terminated.

28. *Indemnity of directors, etc.*—(1) A director or a member of a committee of a Regional Rural Bank shall not be responsible for any loss or expense caused to such bank by insufficiency or deficiency of the value of, or title to, any property or security acquired or taken on behalf of a Regional Rural Bank or by the insolvency or wrongful act of any customer or debtor or anything done in, or in relation to, the execution of the duties of his office, unless such loss, expense, insufficiency or deficiency was due to any wilful act or default on the part of such director or member.

(2) The Chairman of a Regional Rural Bank and every officer of the Central Government or State Government or an officer of the Reserve Bank or the Sponsor Bank and every officer or other employee of a Regional Rural Bank shall be indemnified by such bank against all losses and expenses incurred by him in, or in relation to, the discharge of his duties except such as have been caused by his own wilful act or default.

29. *Power to make rules.*—(1) The Central Government may, after consultation with the Reserve Bank and the Sponsor Bank, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner in which the additional number of members of the Board may be filled in, under sub-section (2) of section 9;
- (b) the time and place at which the Board of directors of a Regional Rural Bank shall meet and the rules of procedure which shall be observed by the Board in regard to the transaction of business at its meetings, under sub-section (1) of section 14;
- (c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

30. *Power to make regulations.*—The Board of directors of a Regional Rural Bank may, after consultation with the Sponsor Bank and the Reserve Bank, and with the previous sanction of the Central Government,

make regulations, not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

31. Removal of difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of five years from the commencement of this Act.

32. Act to override the provisions of other laws.—The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, express or implied, or in any instrument have effect by virtue of any law other than this Act, and notwithstanding any custom or usage to the contrary.

CHAPTER VII

AMENDMENT OF CERTAIN ENACTMENTS

33. Amendment of certain enactments.—(1) In the Reserve Bank of India Act, 1934 (2 of 1934),—

(a) in section 2,—

(i) after clause (civ), the following clause shall be inserted, namely:—

“(cv) “Regional Rural Bank” means a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976;”

(ii) after clause (e), the following clause shall be inserted, namely:—

“(ea) “Sponsor Bank” means a Sponsor Bank as defined in the Regional Rural Banks Act, 1976;”

(iii) the existing clause (ei) shall be re-lettered as clause (eb);

(b) in section 45H, for the words “a co-operative bank” the words “a Regional Rural Bank or a co-operative bank” shall be substituted;

(c) in section 46A, in sub-section (2), in clause (b),—

(i) after the words “State co-operative banks”, the words “or Regional Rural Banks” shall be inserted;

(ii) for the proviso, the following proviso shall be substituted, namely:—

“Provided that such loans and advances are fully guaranteed as to the repayment of principal and payment of interest,—

(i) in the case of loans and advances to State co-operative banks, by the State Government; and

(ii) in the case of loans and advances to a Regional Rural Bank, by the Sponsor Bank.”;

(d) in section 46B, in sub-section (2),—

(i) after the words “State co-operative banks”, the words “or Regional Rural Banks” shall be inserted;

(ii) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that no such loans or advances shall be made—

(a) except for the purpose of enabling the Regional Rural Banks to pay any dues in respect of bills of exchange and promis-

sory notes purchased or re-discounted by the Bank or loans and advances made to them by the Bank under section 17 and unless, in the opinion of the Bank, the Regional Rural Banks are unable to pay such dues in time owing to drought, famine or other natural calamities, and

(b) unless such loans and advances are fully guaranteed as to re-payment of the principal and payment of interest by the Sponsor Bank.”.

(2) In the Industrial Disputes Act, 1947 (14 of 1947), in section 2, in clause (a), in sub-clause (i), after the words and figures “Food Corporation Act, 1964, or”, the words and figures “a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, or” shall be inserted.

(3) In the Banking Regulation Act, 1949 (10 of 1949),—

(a) in section 24, after sub-section (2A), the following sub-section shall be inserted, namely:—

“(2B) The Reserve Bank may, by notification in the Official Gazette, vary the percentage referred to in sub-section (2A) in respect of a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976.”;

(b) in section 34A, in sub-section (3), for the words “and any subsidiary bank”, the words and figures “a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, and any subsidiary bank” shall be substituted;

(c) in section 36AD, in sub-section (3), for the words “and any subsidiary bank”, the words and figures “a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, and any subsidiary bank” shall be substituted;

(d) in section 51, for the words “or any other banking institution notified by the Central Government in this behalf”, the words and figures “or a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, or any other banking institution notified by the Central Government in this behalf” shall be substituted.

(4) In the Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949 (46 of 1949), in section 2, in clause (a), for the words “and any subsidiary bank”, the words and figures “a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, and any subsidiary bank” shall be substituted.

(5) In the Deposit Insurance Corporation Act, 1961 (47 of 1968),—

(a) in section 2,—

(i) in clause (g),—

(a) for the words “a banking company”, the words “a Regional Rural Bank or a banking company” shall be substituted;

(b) for the words “with a banking company”, the words “with a Regional Rural Bank or with a banking company” shall be substituted;

(ii) in clause (i), after the words “banking company”, the words “or a Regional Rural Bank” shall be inserted;

(iii) after clause (m), the following clause shall be inserted, namely:—

“(ma) “Regional Rural Bank” means a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976;”

(b) after section 11, the following section shall be inserted, namely:—

“11A. *Registration of Regional Rural Banks.*—The Corporation shall register every Regional Rural Bank before the expiry of thirty days from the date of its establishment.”;

(c) in section 13, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The provisions of clauses (a), (b), (c), (d) and (h) of sub-section (1) shall apply to a Regional Rural Bank as they apply to a banking company.”;

(d) in sub-section (1) of section 14, for the words “banking company”, wherever they occur, the words “banking company, Regional Rural Bank” shall be substituted.

34. *Repeal and savings.*—(1) The Regional Rural Banks Ordinance, 1975 (13 of 1975), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

[See section 25(2)]

I,, do hereby declare that I will faithfully, truly and to the best of my skill and ability execute and perform the duties required of me as a director, member of a committee, officer, employee or auditor (as the case may be) of the Regional Rural Bank and which properly relate to any office or position in the said Bank held by me.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the Regional Rural Bank or to the affairs of any person having any dealings with the Regional Rural Bank, nor will I allow any such person to inspect or have access to, any books or documents belonging to, or in the possession of the Regional Rural Bank and relating to the business of the Regional Rural Bank, or to the business of any person having any dealings with the Regional Rural Bank.

Signed before me.
Dated

Signature.

Assented to on 11-2-1976.

THE ASSAM SILLIMANITE LIMITED (ACQUISITION AND TRANSFER OF REFRACTORY PLANT) ACT, 1976

(ACT No. 22 of 1976)

AN
ACT

to provide for the acquisition and transfer of the right, title and interest of the Assam Sillimanite Limited in respect of its Refractory Plant and for matters connected therewith or incidental thereto.

WHEREAS it is urgently necessary to augment the supplies of refractories to meet the essential requirements of the iron and steel industry;

AND WHEREAS for the said purpose, a licence to set up a refractory plant was granted to the Assam Sillimanite Limited under the Industries (Development and Regulation) Act, 1951 (65 of 1951);

AND WHEREAS in pursuance of the licence granted to it, the Assam Sillimanite Limited had imported machinery from abroad and commenced the construction of the first stage of its Refractory Plant but the project of the said company did not proceed beyond the first stage on account of financial and other difficulties, and the pilot Refractory Plant, which was constructed by the said company, has been closed;

AND WHEREAS special type of refractories, including high alumina refractories, needed by the iron and steel industry may be manufactured at the Refractory Plant of the Assam Sillimanite Limited and such manufacture will enable the country to progressively reduce the import of such special type of refractories;

AND WHEREAS for the purpose of speedily bringing the Refractory Plant of the Assam Sillimanite Limited into operation, the management of the said Refractory Plant was taken over, for a limited period by the Central Government under section 18AA of the Industries (Development and Regulation) Act, 1951 (65 of 1951);

AND WHEREAS for the purpose of augmenting the supplies of refractories to meet the essential requirements of the iron and steel industry, it is necessary to acquire the right, title and interest of the Assam Sillimanite Limited in respect of its Refractory Plant;

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title.*—This Act may be called the Assam Sillimanite Limited (Acquisition and Transfer of Refractory Plant) Act, 1976.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) “appointed day” means the day on which this Act comes into force;
- (b) “Commissioner” means the Commissioner of Payments appointed under section 14;
- (c) “Company” means the Assam Sillimanite Limited, being a company as defined in the Companies Act, 1956 (1 of 1956), and having its registered office at Gauhati in the State of Assam;
- (d) “Refractory Plant” means the refractory manufacturing plant, owned by the Company, situated near Ramgarh in the State of Bihar;
- (e) “specified date” means such date as the Central Government may, by notification in the Official Gazette, specify in relation to any provision of this Act and different dates may be specified in relation to different provisions of this Act;
- (f) words and expressions used herein and not defined but defined in the Companies Act, 1956 (1 of 1956) have the meanings respectively assigned to them in that Act.

CHAPTER II

ACQUISITION OF THE REFRACTORY PLANT

3. *Refractory Plant to vest in the Central Government.*—On the appointed day, the Refractory Plant shall, by virtue of this Act, stand transferred to, and the right, title and interest of the Company in relation to its Refractory Plant shall vest absolutely in, the Central Government.

4. *Power of Central Government to direct vesting of the Refractory Plant in a Government company.*—(1) Notwithstanding anything contained in section 3, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as that Government may impose, direct, by an order in writing, that the right, title and interest of the Company in relation to the Refractory Plant shall, instead of continuing to vest in the Central Government, vest in the Government company either on the date of publication of the direction or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in that direction.

(2) Where an order for vesting of the Refractory Plant in a Government company is made under sub-section (1), all the rights and obligations of the Central Government in relation to the Refractory Plant shall, on and from the date of such vesting, be deemed to have become the rights and obligations, respectively, of the Government company.

(3) The Government company shall, in the management and administration of the Refractory Plant, act in accordance with such directions, if any, as may be issued by the Central Government in this behalf.

(4) The Government company may also apply to the Central Government at any time for instructions as to the manner in which the management of the Refractory Plant shall be conducted or in relation to any matter arising in the course of such management.

5. *General effect of vesting.*—(1) The Refractory Plant shall be deemed to include all assets, rights, powers, authorities and privileges and all property, movable and immovable (not being any mining lease held by the Company before the appointed day), cash balances, cash on hand, reserve funds, investments, book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day, in the ownership, possession, power or control of the Company, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto and shall also be deemed to include the liabilities and obligations specified in sub-section (2) of section 8.

(2) All property as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and from all other incumbrances affecting it, and any attachment, injunction, or decree or order of any court restricting the use of such property in any manner or appointing any receiver in respect of the whole or any part of such property shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interest in or, in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (2) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amount specified in relation to such property in section 9, but no such mortgage, charge, lien or other interest shall be

enforceable against any property which has vested in the Central Government or the Government company.

(5) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any matter specified in sub-section (2) of section 8, instituted or preferred against the Company is pending, the same shall not, in so far as it relates to the Refractory Plant, abate, be discontinued, or be, in any way, prejudicially affected by reason of transfer of the Refractory Plant or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the Central Government or the Government company, as the case may be.

6. *Duty to deliver possession of the Refractory Plant and documents relating thereto.*—(1) Every person, in whose possession or custody or under whose control the Refractory Plant or any part thereof or any machinery, instrument or other movable asset forming part of the Refractory Plant, may be immediately before the appointed day, shall forthwith deliver possession of the Refractory Plant or such part, machinery, instrument or other asset, as the case may be, to the Central Government or the Government company or to such person or body of persons as the Central Government or the Government company may specify in this behalf.

(2) Every person who has, on the appointed day, in his possession or under his control any books, documents or other papers relating to the Refractory Plant which has vested in the Central Government or a Government company under this Act, and which belong to the Company or would have so belonged if the Refractory Plant had not vested in the Central Government or the Government company, shall be liable to account for the said books, documents and other papers to, the Central Government or the Government company, as the case may be, and shall deliver them up to the Central Government or the Government company or to such person or body of persons as the Central Government or the Government company may specify in this behalf.

(3) The Central Government may take or cause to be taken all necessary steps for securing possession of the Refractory Plant which has vested in it under section 3.

7. *Duty to furnish particulars.*—The Company shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all the properties and assets of the Company as on the appointed day, pertaining to the Refractory Plant which has vested in the Central Government under section 3, and for this purpose the Central Government or the Government company shall afford the Company all reasonable facilities.

8. *Company to be liable for certain prior liabilities.*—(1) Every liability, other than the liability specified in sub-section (2), of the Company in relation to the Refractory Plant, in respect of any period prior to the appointed day, shall be the liability of the Company and shall be enforceable against it and not against the Central Government or the Government company.

(2) Any liability in respect of—

(a) the amounts advanced to the Company (after the management of the Refractory Plant had been taken over by the Central Government) by the Hindustan Steel Limited [a company formed and registered under the Companies Act, 1956 (1 of 1956)], together with interest due thereon;

(b) wages, salaries and other dues of employees of the Refractory Plant, in respect of any period after the management of such plant had been taken over by the Central Government,

shall, on and from the appointed day, be the liability of the Central Government and shall be discharged by that Government or, for and on behalf of that Government, by the Government company, as and when repayment of such amount becomes due or as and when such wages, salaries and other dues become due and payable.

(3) For the removal of doubts, it is hereby declared that,—

(a) save as otherwise expressly provided in this section or in any other section of this Act, no liability other than the liability specified in sub-section (2) in relation to the Refractory Plant, in respect of any period prior to the appointed day shall be enforceable against the Central Government or the Government company, as the case may be;

(b) no award, decree or order of any court, tribunal or other authority in relation to the Refractory Plant, passed after the appointed day in respect of any matter, claim or dispute in relation to any matter, not being a matter referred to in sub-section (2), which arose before that date, shall be enforceable against the Central Government or the Government company as the case may be;

(c) no liability incurred by the Company before the appointed day, for the contravention, in relation to the Refractory Plant, of any provision of law for the time being in force, shall be enforceable against the Central Government or the Government company, as the case may be.

CHAPTER III

PAYMENT OF AMOUNT

9. *Amount to be paid for transfer and vesting of Refractory Plant.*—(1) The Company shall be given by the Central Government in cash and in the manner specified in Chapter VI, an amount of one crore seven lakhs and seventeen thousand rupees for the transfer to, and vesting in, it, under section 3, of the Refractory Plant.

(2) The amount payable under sub-section (1) shall carry simple interest at the rate of four per cent per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

(3) For the removal of doubts, it is hereby declared that the liabilities of the Company in relation to the Refractory Plant, other than those referred to in sub-section (2) of section 8, shall be met from the amount referred to in sub-section (1), in accordance with the rights and interests of the creditors of the Company.

10. *Payment of other amount.*—(1) In addition to the amounts specified in section 9, there shall also be given to the Company, in cash, by the Central Government an amount computed at the rate of rupees two thousand and five hundred per mensem for the deprivation of the Company of the management of its Refractory Plant during the period commencing on the 2nd day of November, 1972, and ending on the appointed day.

(2) In addition to the amount referred to in sub-section (1), there shall be given by the Central Government, in cash, to the Company, simple interest at the rate of four per cent per annum on the amount computed at the rate specified in sub-section (1), for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

CHAPTER IV

MANAGEMENT, ETC., OF REFRACTORY PLANT

11. *Management, etc., of Refractory Plant.*—On the commencement of this Act, the general superintendence, direction, control and management of the affairs and business of the Refractory Plant shall,—

(a) where a direction has been made by the Central Government under section 4, vest in the Government company specified in such direction, or

(b) where no such direction has been made, vest in such person or body of persons as may be appointed by the Central Government in this behalf,

and thereupon the Government company so specified or the person or body of persons so appointed, as the case may be, shall be entitled to exercise all such powers and do all such things as the Company is authorised to exercise and do in relation to the Refractory Plant.

CHAPTER V

PROVISIONS RELATING TO EMPLOYEES OF REFRACTORY PLANT

12. *Employment of employees to continue.*—(1) Every person, who has been, immediately before the appointed day, employed by the Company, shall, if employed in connection with the Refractory Plant, become, as from the appointed day, an employee of the Central Government or the Government company in which the Refractory Plant has vested, as the case may be, and shall hold his office or service therein by the same tenure, on the same remuneration and upon the same terms and conditions and same rights and privileges as to pension and gratuity and other like matters as he would have held the same under the Company if the Refractory Plant had not vested in the Central Government or the Government company, and shall continue to do so unless and until his employment in the Central Government or the Government company is duly terminated or until his remuneration, terms and conditions of employment are duly altered by the Central Government or the Government company, as the case may be.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force, the transfer of the services of any employee of the Company to the Central Government or the Government company shall not entitle such employee to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

(3) Where, under the terms of any contract of service or otherwise, any person, whose services become terminated or whose services become transferred to the Central

Government or a Government company by reason of the provisions of this Act, is entitled to arrears of salary or wages or any payment for any leave not availed of or other payment, not being payment by way of gratuity or pension, such person may, except to the extent such liability has been taken over by the Central Government under sub-section (2) of section 8, enforce his claim against the Company but not against the Central Government or the Government company.

13. *Provident and other funds.*—(1) Where the Company has established a provident fund, superannuation, welfare or other fund for the benefit of the persons employed in the Refractory Plant, the monies relatable to the employees whose services have become transferred by or under this Act to the Central Government or a Government company shall, out of the monies standing, on the appointed day, to the credit of such provident fund, superannuation, welfare or other fund, stand transferred to, and vested in, the Central Government or the Government company, as the case may be.

(2) The monies which stand transferred, under sub-section (1), to the Central Government or a Government company, shall be dealt with by that Government or Government company, as the case may be, in such manner as may be prescribed.

CHAPTER VI

COMMISSIONER OF PAYMENTS.

14. *Appointment of Commissioner of Payments.*—(1) For the purpose of disbursing the amount payable to the Company, the Central Government shall, by notification in the Official Gazette, appoint such person as it may think fit to be the Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act, and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any powers may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

15. *Payment by the Central Government to the Commissioner.*—(1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the Company, an amount equal to the amount specified in section 9 and shall also pay to the Commissioner such amounts as may be payable to the Company under sub-sections (1) and (2) of section 10.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account in the Public Account of India, and thereafter the said deposit account shall be operated by the Commissioner.

(3) Interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of the Company.

16. *Priority of claims in relation to arrears of provident fund, etc.*—(1) Out of the amount paid to him under sub-section (1) of section 15, the Commissioner shall deduct in the first instance, all sums equal to the amount of arrears due to the persons who were in employment of the Company, in connection with the Refractory Plant, on the 1st day of July, 1973,—

- (a) in relation to a provident fund, pension fund or any other fund established for the welfare of such persons,
- (b) as wages.

(2) All sums deducted under sub-section (1) shall, in accordance with such rules as may be made under this Act, be credited by the Commissioner to the relevant fund or paid by him to the persons to whom the said sums are due and on such credit or payment, the liability of the Company in respect of the amount of arrears due as aforesaid shall, to the extent of such credit or payment, stand discharged.

(3) Every deduction made under sub-section (1) shall have priority over all other debts, whether secured or unsecured.

17. *Priority in relation to other claims.*—(1) Save as otherwise provided in section 16, every secured debt due from the Company shall have priority over all other debts and shall be paid in accordance with the rights and interests of the secured creditors:

Provided that where the secured debts are due to different creditors by reason of the hypothecation of different assets to them, such debts shall be repaid in full in accordance with the rights and interests of such creditors, unless the balance of the amount left after meeting the liabilities referred to in section 16 is insufficient to meet them, in which case they shall abate in equal proportions and be paid accordingly.

(2) Notwithstanding anything contained in any other law for the time being in force, there shall be paid in priority to all other unsecured debts,—

- (a) all revenues, taxes, cesses, rates and any other dues payable immediately before the appointed day, to the Central Government, State Governments, local authorities and State Electricity Boards in relation to the Refractory Plant, as the case may be;
- (b) all amounts due in respect of any compensation or liability for compensation under the Workmen's Compensation Act, 1923 (8 of 1923), in respect of the death or disablement of any employee of the Company in relation to the Refractory Plant, unless the Company has, under such a contract with insurers as is mentioned in section 14 of the said Act, rights capable of being transferred to, and vested in, the workmen;
- (c) all sums deducted by the Company from the salary or wages of any employee of the Refractory Plant for credit to any provident fund or any other fund established for the welfare of the employees, but not deposited to the credit of such funds.

(3) The debts specified in sub-section (2) shall rank equally among themselves and be paid in full, unless the balance of the amount left after meeting the liabilities referred to in section 16, and sub-section (1) of this section, is insufficient to meet them, in which case they shall abate in equal proportions and be paid accordingly.

18. *Claims to be made to the Commissioner.*—Every person having a claim against the Company in relation to the Refractory Plant shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days, but not thereafter.

19. *Proof of claims.*—(1) The Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim or be excluded from the benefit of the deductions or disbursements made by the Commissioner.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of the daily newspaper in the English language and in one issue of such daily newspaper in the regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimants to file the proof of their claims with the Commissioner within the time specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the deductions or disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions including the place or places at which he will hold his sittings and shall, for the purpose of making an investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document or other material object producible as evidence;
- (c) the reception of evidence on affidavits; and
- (d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860), and the Commissioner shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the Refractory Plant is situated:

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, such appeal shall lie to the High Court for the State in which the Refractory Plant is situated, and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

20. *Disbursement of money by the Commissioner to claimants.*—Where, after meeting the claims admitted by him of secured creditors, and unsecured creditors having priority under sub-section (2) of section 17, the total amount of the claims of other unsecured creditors admitted by the Commissioner does not exceed the balance of the amount left after meeting the liabilities referred to in section 16, and sub-sections (1) and (2) of section 17, every admitted claim of such other unsecured creditors, shall rank equally among themselves and be paid in full, and the balance, if any, shall be paid to the Company; but where such amount is insufficient to meet in full the total amount of such admitted claims, all such claims shall abate in equal proportions and be paid accordingly.

21. *Undisbursed or unclaimed amount to be deposited to the general revenue account.*—Any money paid to the Commissioner which remains undisbursed or unclaimed for a period of three years from the first day on which the disbursement was made, shall be transferred by the Commissioner to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of the revenue.

CHAPTER VII

MISCELLANEOUS

22. *Penalties.*—Any person, who,—

- (a) having in his possession, custody or control any property forming part of the Refractory Plant, wrongfully withholds such property from the Central Government or the Government company, as the case may be; or
- (b) wrongfully obtains possession of, or retains any property forming part of the Refractory Plant, or wilfully withholds or fails to furnish to the Central Government or the Government company or any person or body of persons specified by that Government or the Government company, as the case may be, any document relating to such Refractory Plant which may be in his possession, custody or control or fails to deliver to the Central Government or the Government company or any person or body of persons specified by that Government or the Government company any assets, books of account, registers or other documents in his custody or control, relating to the Refractory Plant; or
- (c) wrongfully removes or destroys any property forming part of the Refractory Plant or prefers any claim under this Act which he knows

or has reasonable cause to believe to be false or grossly inaccurate,

shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both.

23. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) “company” means any body corporate and includes a firm or other association of individuals;
- (b) “director”, in relation to a firm, means a partner in the firm.

24. Act to have over-riding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act, or in any decree or order of any court, tribunal or other authority.

25. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any of its officers or other employees for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

26. Contracts to cease to have effect unless ratified by the Central Government or Government company.—(1) Every contract entered into by the Company in relation to the Refractory Plant for any service, sale or supply, and in force immediately before the appointed day, shall, on and from the expiry of one hundred and eighty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing, by the Central Government or the Government company, and, in ratifying such contract, the Central Government or the Government company may make such alteration or modification therein as it may think fit:

Provided that a Government company shall not make any alteration or modification in a contract without the previous approval of the Central Government:

Provided further that the Central Government or the Government company shall not omit to ratify a contract, and shall not make any alteration or modification in a contract, unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Refractory Plant.

(2) The Central Government or the Government company shall not omit to ratify a contract, and, shall not make any alteration or modification therein, except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording, in writing, its reasons for refusal to ratify the contract or for making any alteration or modification therein.

27. Delegation of powers.—(1) The Central Government may, by notification in the Official Gazette, direct that all or any of the powers exercisable by it under this Act may also be exercised by any person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

28. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner in which monies in any provident or other fund referred to in section 13 shall be dealt with;
- (b) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

29. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

30. Declaration as to the policy of the State.—It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (b) of article 39 of the Constitution.

Explanation.—In this section, “State” has the same meaning as in article 12 of the Constitution.

Assented to on 11-2-1976.

THE PAYMENT OF BONUS (AMENDMENT) ACT, 1976

ACT NO. 23 OF 1976

AN

ACT

further to amend the Payment of Bonus Act, 1965.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Payment of Bonus (Amendment) Act, 1976.

(2) It shall be deemed to have come into force on the 25th day of September, 1975.

2. Amendment of long title.—In the Payment of Bonus Act, 1965 (21 of 1965), (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:—

“An Act to provide for the payment of bonus to persons employed in certain establishments on the basis of profits or on the basis of production or productivity and for matters connected therewith.”

3. Amendment of section 1.—In section 1 of the principal Act, —

(a) to sub-section (3), the following proviso shall be added, namely:—

“Provided that the appropriate Government may, after giving not less than two months’ notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act with effect from such accounting year as may be specified in the notification, to any establishment or class of establishments [including an establishment being a factory within the meaning of sub-clause (ii) of clause (m) of section 2 of the Factories Act, 1948 (63 of 1948)], employing such number of persons less than twenty as may be specified in the notification; so, however, that the number of persons so specified shall in no case be less than ten.”;

(b) in sub-section (4), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that when the provisions of this Act have been made applicable to any establishment or class of establishments by the issue of a notification under the proviso to sub-section (3), the reference to the accounting year commencing on any day in the year 1964 and every subsequent accounting year or, as the case may be, the reference to the accounting year commencing on any day in the year 1968 and every subsequent accounting year,

shall, in relation to such establishment or class of establishments, be construed as a reference to the accounting year specified in such notification and every subsequent accounting year.”;

(c) in sub-section (5),—

(i) the words, brackets, letter and figure “under clause (b) of sub-section (3)” shall be omitted;

(ii) the words, brackets and figure “or, as the case may be, the number specified in the notification issued under the proviso to sub-section (3)” shall be added at the end.

4. Amendment of section 2.—In section 2 of the principal Act,—

(a) in clause (4),—

(i) in sub-clause (a), the brackets and words “(other than a banking company)” shall be omitted;

(ii) the words, brackets and figures “and includes my amount treated as such under sub-section (2) of section 34” shall be omitted;

(b) in clause (8), after the words, brackets and figures “any subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959)”, the words, brackets, figures and letter “any corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970); any co-operative bank as defined in clause (bii) of section 2 of the Reserve Bank of India Act, 1934 (2 of 1934)”, shall be inserted.

5. Substitution of new section for section 4.—For section 4 of the principal Act, the following section shall be substituted, namely:—

“4. *Computation of gross profits.*—The gross profits derived by an employer from an establishment in respect of any accounting year shall be calculated in the manner specified in the First Schedule.”.

6. Amendment of section 6.—In section 6 of the principal Act, in clause (d), for the words “Third Schedule”, the words “Second Schedule” shall be substituted.

7. Substitution of new section for section 10.—For section 10 of the principal Act, the following section shall be substituted, namely:—

“10. *Amount of bonus.*—(1) Subject to the other provisions of this Act, where an employer has any allocable surplus in any accounting year, then, he shall be bound to pay to every employee in respect of that accounting year a minimum bonus which shall not be less than four per cent of the salary or wage earned by the employee during the accounting year or one hundred rupees whichever is higher, or, in a case where the allocable surplus exceeds the said amount of minimum bonus payable to the employees, an amount in proportion to the salary or wage earned by the employee during the accounting year subject to a maximum of twenty per cent of such salary or wage:

Provided that where an employee has not completed fifteen years of age at the beginning of that accounting year, the provisions of this sub-section shall have effect in relation to such employee as if for the words "one hundred rupees", the words "sixty rupees" were substituted.

(2) Notwithstanding anything contained in sub-section (1), every employer shall be bound to pay to every employee in respect of the accounting year commencing on any day in the year 1974, a minimum bonus which shall be four per cent of the salary or wage earned by the employee during that accounting year or one hundred rupees whichever is higher, whether or not the employer has any allocable surplus in that accounting year:

Provided that where an employee has not completed fifteen years of age at the beginning of that accounting year, the provisions of this sub-section shall have effect in relation to such employee as if for the words "one hundred rupees", the words "sixty rupees" were substituted.

(3) For the purposes of this section, the allocable surplus shall be computed taking into account the amount set on or set off in the three immediately preceding accounting years and in the accounting year in respect of which the bonus is payable, in the manner illustrated in the Third Schedule.

8. *Omission of section 11.*—Section 11 of the principal Act shall be omitted.

9. *Amendment of section 12.* In section 12 of the principal Act, the words and figures "or, as the case may be, under section 11," shall be omitted.

10. *Substitution of new section for section 13.*—For section 13 of the principal Act, the following section shall be substituted, namely:—

"13. *Proportionate deduction in bonus in certain cases.*—Where an employee has not worked for all the working days in any accounting year, the bonus payable to him under section 10 shall be proportionately reduced."

11. *Substitution of new section for section 15.*—For section 15 of the principal Act, the following section shall be substituted, namely:—

"15. *Set on and set off of allocable surplus.*—(1) Where for any accounting year, the allocable surplus exceeds the amount of bonus payable to the employees in the establishment under section 10, then, the excess shall, subject to a limit of twenty per cent of the total salary or wage of the employees employed in the establishment in that accounting year, be carried forward for being set on in the succeeding accounting year and so on, to be utilised for the purpose of payment of bonus, in the manner illustrated in the Third Schedule.

(2) Where for any accounting year, there is no allocable surplus or the allocable surplus in respect of that year falls short of the amount of bonus payable to the employees in the establishment under section 10, and there is no sufficient amount carried forward and set on under sub-section (1) which could be utilised for the purpose of payment of bonus, then, so much amount as

is necessary for the payment of bonus under this Act shall be carried forward for being set off in the succeeding accounting year and so on, in the manner illustrated in the Third Schedule.

(3) The principal of set on and set off as illustrated in the Third Schedule shall apply to all other cases not covered by sub-section (1) or sub-section (2) for the purpose of payment of bonus under this Act."

12. *Amendment of section 16.*—In section 16 of the principal Act,—

(a) for sub-section (1) and the *Explanations* thereto, the following sub-sections and *Explanations* shall be substituted, namely:—

"(1) Where an establishment is newly set up, whether before or after the commencement of this Act, the employees of such establishment shall be entitled to be paid bonus under this Act in accordance with the provisions of sub-sections (1A), (1B) and (1C).

(1A) In the first five accounting years following the accounting year in which the employer sells the goods produced or manufactured by him or renders services, as the case may be, from such establishment, bonus shall be payable only in respect of the accounting year in which the employer derives profit from such establishment and such bonus shall be calculated in accordance with the provisions of this Act in relation to that year, but without applying the provisions of section 15.

(1B) For the sixth and seventh accounting years following the accounting year in which the employer sells the goods produced or manufactured by him or renders services, as the case may be, from such establishment, the provisions of section 15 shall apply subject to the following modifications, namely:—

(i) for the sixth accounting year—

set on or set off, as the case may be, shall be made in the manner illustrated in the Third Schedule taking into account the excess or deficiency, if any, as the case may be, of the allocable surplus set on or set off in respect of the fifth and sixth accounting years;

(ii) for the seventh accounting year—

set on or set off, as the case may be, shall be made in the manner illustrated in the Third Schedule taking into account the excess or deficiency, if any, as the case may be, of the allocable surplus set on or set off in respect of the fifth, sixth and seventh accounting years.

- (1C) From the eighth account year following the accounting year in which the employer sells the goods produced or manufactured by him or renders services, as the case may be, from such establishment, the provisions of section 15 shall apply in relation to such establishment as they apply in relation to any other establishment.

Explanation I.—For the purpose of sub-section (1), an establishment shall not be deemed to be newly set up merely by reason of a change in its location, management, name or ownership.

Explanation II.—For the purpose of sub-section (1A), an employer shall not be deemed to have derived profit in any accounting year unless—

- (a) he has made provision for that year's depreciation to which he is entitled under the Income-tax Act or as the case may be, under the agricultural income-tax law; and
- (b) the arrears of such depreciation and losses incurred by him in respect of the establishment for the previous accounting years have been fully set off against his profits.

Explanation III.—For the purposes of sub-sections (1A), (1B) and (1C), sale of the goods produced or manufactured during the course of the trial running of any factory or of the prospecting stage of any mine or an oil-field shall not be taken into consideration and where any question arises with regard to such production or manufacture, the decision of the appropriate Government, made after giving the parties a reasonable opportunity of representing the case, shall be final and shall not be called in question by any court or other authority.”;

(b) in sub-section (2), for the word, brackets and figure “sub-section (1)”, the words, brackets, figures and letters “sub-sections (1), (1A), (1B) and (1C)” shall be substituted.

13. Amendment of section 19.—In section 19 of the principal Act,—

- (a) in sub-section (1), for the brackets, figure and words “(1) Subject to the provisions of this section, all amounts”, the words “All amounts” shall be substituted;
- (b) sub-sections (2) to (7) shall be omitted.

14. Amendment of section 20.—In section 20 of the principal Act,—

- (a) in sub-section (1), the brackets and figure “(1)” shall be omitted;
- (b) sub-section (2) shall be omitted.

15. Amendment of section 21.—In section 21 of the principal Act, in the *Explanation*, the figures “24” shall be omitted.

16. Amendment of section 23.—In section 23 of the principal Act, in sub-section (1), for the words and figures “and in sections 24 and 25”, the words and figures “and in section 25” shall be substituted.

17. Omission of section 24.—Section 24 of the principal Act shall be omitted.

18. Amendment of section 27.—In section 27 of the principal Act, sub-section (5) shall be omitted.

19. Insertion of new section 31A.—After section 31 of the principal Act, the following section shall be inserted, namely:—

31A. Special provision with respect to payment of bonus linked with production or productivity.—Notwithstanding anything contained in this Act,—

- (i) where an agreement or a settlement has been entered into by the employees with their employer before the commencement of the Payment of Bonus (Amendment) Act, 1976, or
- (ii) where the employees enter into any agreement or settlement with their employer after such commencement,

for payment of an annual bonus linked with production or productivity in lieu of bonus based on profits payable under this Act, then, such employees shall be entitled to receive bonus due to them under such agreement or settlement, as the case may be:

Provided that such employees shall not be entitled to be paid such bonus in excess of twenty per cent of the salary or wage earned by them during the relevant accounting year.”.

20. Amendment of section 32.—In section 32 of the principal Act,—

- (a) for clause (vii), the following clause shall be substituted, namely:—
“(vii) employees employed by a banking company;”;
- (b) in clause (ix),—
(i) after sub-clause (f) the following sub-clause shall be inserted, namely:—
“(ff) the Industrial Reconstruction Corporation of India;”;
- (ii) in sub-clause (g), the brackets and words “(other than a banking company)” shall be omitted;
- (c) clause (x) shall be omitted.

21. Omission of section 33.—Section 33 of the principal Act shall be omitted.

22. Substitution of new section for section 34.—For section 34 of the principal Act, the following section shall be substituted, namely:—

“34. Effect of laws and agreements inconsistent with the Act.—Subject to the provisions of section 31A, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in the terms of any a ward, agreement, settlement or contract of service.”.

23. Omission of section 37.—Section 37 of the principal Act shall be omitted.

24. Amendment of section 38.—In section 38 of the principal Act, in sub-section (3),—

- (a) for the words “or in two successive sessions”, the words “or in two or more successive sessions” shall be substituted;
- (b) for the words “in which it is so laid or the session immediately following”, the words “immediately following the session or the successive sessions aforesaid” shall be substituted.”

25. Omission of the First Schedule.—The First Schedule to the principal Act shall be omitted.

26. Amendment of the Second Schedule.—In the Second Schedule to the principal Act,—

- (a) for the heading “THE SECOND SCHEDULE”, the heading “THE FIRST SCHEDULE” shall be substituted;

(b) for the sub-heading "[See section 4(b)]", the sub-heading "(see section 4)" shall be substituted;

(c) in Item 3, after sub-item (a), the following sub-item shall be inserted, namely:—

"(aa) The amount debited in respect of gratuity paid or payable to employees in excess of the aggregate of—

(i) the amount, if any, paid to, or provided for payment to, an approved gratuity fund; and

(ii) the amount actually paid to employees on their retirement or on termination of their employment for any reason;"

(d) in Item 6, for sub-item (g), the following sub-item shall be substituted, namely:—

"(g) Cash subsidy, if any, given by the Government or by any body corporate established by any law for the time being in force or by any other agency through budgetary grants, whether given directly or through any agency for specified purposes and the proceeds of which are reserved for such purposes;"

(e) before the Foot-notes, the following Explanation shall be inserted, namely:—

'Explanation.—In sub-item (aa) of Item 3, "approved gratuity fund" has the same meaning assigned to it in clause (5) of section 2 of the Income-tax Act.'

27. *Amendment of the Third Schedule.*—In the Third Schedule to the principal Act,—

(a) for the heading "THE THIRD SCHEDULE", the heading "THE SECOND SCHEDULE" shall be substituted;

(b) in Item 1, in column (2), the words "other than a banking company" shall be omitted;

(c) Item 2 and the entries relating thereto shall be omitted;

(d) in the Explanation, the figures and brackets "2(iii)" shall be omitted.

28. *Substitution of new Schedule for the Fourth Schedule.*—For the Fourth Schedule to the principal Act, the following Schedule shall be substituted, namely:—

'THE THIRD SCHEDULE (See section 10, 15 and 16)

The illustration in this Schedule has been worked out with reference to an establishment which has an annual salary or wage bill of rupees one lakh, twenty per cent of which amounts to Rs. 20,000 and four per cent of which amounts to Rs. 4,000.

Year	Amount equal to six per cent, as the case may be, of available surplus allocable as bonus	'Set on' or 'set off' of the preceding year	Amount paid or payable as bonus	Balance of 'set on' or 'set off'
1	2	3	4	5
	(Rs.)	(Rs.)	(Rs.)	(Rs.)
1.	42,000	+3,000(a)	20,000	+23,000
2.	Nil	+23,000	20,000	+3,000
3.	10,000	+3,000	13,000	Nil
4.	10	Nil	4,000	—3,990
5.	100	—3,990	Nil	—3,890

1	2	3	4	5
6.	Nil	—3,890	Nil	—3,890
7.	23,890	—3,890	20,000	Nil
8.	Nil	Nil	Nil	Nil
9.	25,000	Nil	20,000	+5,000
10.	15,100	+5,000	20,000	+100
11.	Nil	+100	4,000	—3,900

Notes.—1. The notation "+" denotes 'set on' and the notation "—" denotes 'set off'.

2. "(a)" represents the amount 'set on' as calculated under the provisions of this Act as it stood immediately before the commencement of the Payment of Bonus (Amendment) Act, 1976.

29. *Amendment of section 36 of the Income-tax Act 1961.*—In sub-section (1) of section 36 of the Income-tax Act, 1961 (43 of 1961), in the proviso to clause (ii), for the words "Provided that the amount of the bonus or commission", the words and brackets "Provided further that the amount of the bonus (not being bonus referred to in the first proviso) or commission" shall be substituted and before that proviso as so amended, the following proviso shall be inserted, namely:—

"Provided that the deduction in respect of bonus paid to an employee employed in a factory or other establishment to which the provisions of the Payment of Bonus Act, 1965 (21 of 1965) apply shall not exceed the amount of bonus payable under that Act."

30. *Saving.*—For the removal of doubts, it is hereby declared that notwithstanding the amendments made to the principal Act by this Act, the provisions of the principal Act as they stood from time to time before the commencement of this Act shall apply and continue to apply to and in relation to the payment of bonus in respect of any accounting year preceding the accounting year commencing on any day in the year 1974.

31. *Repeal and saving.*—(1) The Payment of Bonus (Amendment) Ordinance, 1975 (11 of 1975), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

Assented to on 11-2-1976.

THE 'PRESS COUNCIL (REPEAL) ACT, 1976

ACT NO. 24 OF 1976

AN
ACT

to repeal the Press Council Act, 1965 and to provide for certain matters incidental thereto.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Press Council (Repeal) Act, 1976.

(2) It shall be deemed to have come into force on the 1st day of January, 1976.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "appointed day" means the 1st day of January, 1976;

(b) "Press Council" means the Press Council of India established under section 3 of the Press Council Act, 1965 (34 of 1965).

3. *Repeal of Act 34 of 1965 and dissolution of Press Council.*—On the appointed day, the Press Council Act, 1965, shall stand repealed, and the Press Council shall stand dissolved.

4. *Consequential provisions.*—On the dissolution of the Press Council,—

(a) all monies and other property of whatever kind (including the Fund of the Press Council) owned by, or vested in, the Press Council, immediately before the appointed day shall, on the appointed day, stand transferred to and vest in the Central Government;

(b) subject to the provisions of clause (d), any suit, appeal or other proceeding of whatever nature pending immediately before the appointed day before any court or other authority in which the Press Council is a party shall, on the appointed day, abate;

(c) any proceeding of whatever nature pending immediately before the appointed day before the Press Council shall, on the appointed day, abate;

(d) all liabilities and obligations of the Press Council of whatever kind and subsisting immediately before the appointed day, shall, on and from the appointed day, be deemed to be the liabilities or obligations, as the case may be, of the Central Government, and any proceeding or cause of action pending or existing immediately before the appointed day by or against the Press Council in relation to such liability or obligation may, as from the appointed day, be continued and enforced by or against the Central Government;

(e) anything, or any action, which ought to have been done or taken by the Press Council before the appointed day with respect to the termination of service of its employees or with respect to any matter in relation thereto or arising therefrom, but not so done or taken by that Council, may, on and from the appointed day, be done or taken by the Central Government.

5. *Repeal and saving.*—(1) The Press Council (Repeal) Ordinance, 1975, (26 of 1975), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under section 4 of the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

Assented to on 11-2-76.

THE EQUAL REMUNERATION ACT, 1976

ACT NO 25 OF 1976

AN

ACT

to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Equal Remuneration Act, 1976.

(2) It extends to the whole of India.

(3) It shall come into force on such date, not being later than three years from the passing of this Act, as the Central Government may, by notification, appoint and different dates may be appointed for different establishments or employments.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means,—

(i) in relation to any employment carried on by or under the authority of the Central Government or a railway administration, or in relation to a banking company, a mine, oilfield or major port or any corporation established by or under a Central Act, the Central Government, and

(ii) in relation to any other employment, the State Government;

(b) "commencement of this Act" means, in relation to an establishment or employment, the date on which this Act comes into force in respect of that establishment or employment.

(c) "employer" has the meaning assigned to it in clause (f) of section 2 of the Payment of Gratuity Act, 1972 (39 of 1972);

(d) "man" and "woman" mean male and female human beings, respectively, of any age;

(e) "notification" means a notification published in the Official Gazette;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "remuneration" means the basic wage or salary, and any additional emoluments whatsoever payable either in cash or in kind, to a person employed in respect of employment or work done in such employment, if the terms of the contract of employment, express or implied, were fulfilled;

(h) "same work or work of a similar nature" means work in respect of which the skill, effort and responsibility required are the same, when performed under similar working conditions, by a man or a woman and the differences, if any, between the skill, effort and responsibility required of a man and those required of a woman are not of practical importance in relation to the terms and conditions of employment;

(i) "worker" means a worker in any establishment or employment in respect of which this Act has come into force;

(j) words and expressions used in this Act and not defined but defined in the Industrial Disputes Act, 1947 (14 of 1947), shall have the meanings respectively assigned to them in that Act.

3. *Act to have over-riding effect.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the commencement of this Act, or in any instrument having effect under any law for the time being in force.

CHAPTER II

PAYMENT OF REMUNERATION AT EQUAL RATES TO MEN AND WOMEN WORKERS AND OTHER MATTERS

4. *Duty of employer to pay equal remuneration to men and women workers for same work or work of a similar nature.*—(1) No employer shall pay to any worker, employed by him in an establishment or employment, remuneration, whether payable in cash or in kind, at rates less favourable than those at which remuneration is paid by him to the workers of the opposite sex in such establishment or employment for performing the same work or work of a similar nature.

(2) No employer shall, for the purpose of complying with the provisions of sub-section (1), reduce the rate of remuneration of any worker.

(3) Where, in an establishment or employment, the rates of remuneration payable before the commencement of this Act for men and women workers for the same work or work of a similar nature are different only on the ground of sex, then the higher (in cases where there are only two rates), or, as the case may be, the highest (in cases where there are more than two rates), of such rates shall be the rate at which remuneration shall be payable, on and from such commencement, to such men and women workers:

Provided that nothing in this sub-section shall be deemed to entitle a worker to the revision of the rate of remuneration payable to him or her with reference to the service rendered by him or her before the commencement of this Act.

5. *No discrimination to be made while recruiting men and women workers.*—On and from the commencement of this Act, no employer shall, while making recruitment for the same work or work of a similar nature, make any discrimination against women except where the employment of women in the such work is prohibited or restricted by or under any law for the time being in force:

Provided that the provisions of this section shall not affect any priority or reservation for Scheduled Castes or Scheduled Tribes, ex-servicemen retrenched employees or any other class or category of persons in the matter of recruitment to the posts in an establishment or employment.

6. *Advisory Committee.*—(1) For the purpose of providing increasing employment opportunities for women, the appropriate Government shall constitute one or more Advisory Committees to advise it with regard to the extent to which women may be employed in such establishments or employments at the Central Government may, by notification, specify in this behalf.

(2) Every Advisory Committee shall consist of not less than ten persons, to be nominated by the appropriate Government, of which one-half shall be women.

(3) In tendering its advice, the Advisory Committee shall have regard to the number of women employed in the concerned establishment or employment, the nature of work, hours of work, suitability of women for employment as the case may be, the need for providing increasing employment opportunities for women, including part-time employment, and such other relevant factors as the Committee may think fit.

(4) The Advisory Committee shall regulate its own procedure:

(5) The appropriate Government may, after considering the advice tendered to it by the Advisory Committee and after giving to the persons concerned in the establishment or employment an opportunity to make representations, issue such directions in respect of employment of women workers, as the appropriate Government may think fit.

7. *Power of appropriate Government to appoint authorities for hearing and deciding claims and complaints.*—

(1) The appropriate Government may, by notification appoint such officers, not below the rank of a Labour Officer, as it thinks fit to be the authorities for the purpose of hearing and deciding—

(a) complaints with regard to the contravention of any provision of this Act;

(b) claims arising out of non-payment of wages at equal rates to men and women workers for the same work or work of a similar nature;

and may, by the same or subsequent notification, defined the local limits within which each such authority shall exercise its jurisdiction.

(2) Every complaint or claim referred to in sub-section (1), shall be made in such manner as may be prescribed.

(3) If any question arises as to whether two or more works are of the same nature or of a similar nature, it shall be decided by the authority appointed under sub-section (1).

(4) Where a complaint or claim is made to the authority appointed under sub-section (1), it may, after giving the applicant and the employer an opportunity of being heard, and after such inquiry as it may consider necessary, direct,—

(i) in the case of a claim arising out of non-payment of wages at equal rates to men and women workers for the same work or work of a similar nature, that payment be made to the worker of the amount by which the wages payable to him exceed the amount actually paid;

(ii) in the case of complaint, that adequate steps be taken by the employer so as to ensure that there is no contravention of any provision of this Act.

(5) Every authority appointed under sub-section (1) shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents and every such authority shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(6) Any employer or worker aggrieved by any order made by an authority appointed under sub-section (1) on a complaint or claim may, within thirty days from the date of the order, prefer an appeal to such authority as the appropriate Government may, by notification, specify in this behalf, and that authority may, after hearing the appeal, confirm, modify or reverse the order appealed against and no further appeal shall lie against the order made by such authority.

(7) The authority referred to in sub-section (6) may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the period specified in sub-section (6), allow the appeal to be preferred within a further period of thirty days but not thereafter.

(8) The provisions of sub-section (1) of section 33C of the Industrial Disputes Act, 1947 (14 of 1947) shall apply for the recovery of monies due from an employer arising out of the decision of an authority appointed under this section.

CHAPTER III

MISCELLANEOUS

8. *Duty of employers to maintain registers.*—On and from the commencement of this Act, every employer shall maintain such registers and other documents in relation to the workers employed by him as may be prescribed.

9. *Inspectors.*—(1) The appropriate Government may, by notification, appoint such persons as it may think fit to be Inspectors for the purpose of making an investigation as to whether the provisions of this Act, or the rules made thereunder, are being complied with by employers, and may define the local limits within which an Inspector may make such investigation.

(2) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

(3) An Inspector may, at any place within the local limits of his jurisdiction,—

- (a) enter, at any reasonable time, with such assistance as he thinks fit, any building, factory, premises or vessel;
- (b) require any employer to produce any register, muster-roll or other documents relating to the employment of workers, and examine such documents.
- (c) take, on the spot or otherwise, the evidence of any person for the purpose of ascertaining whether the provisions of this Act are being, or have been, complied with;
- (d) examine the employer, his agent or servant or any other person found in charge of the establishment or any premises connected therewith or any person whom the Inspector has reasonable cause to believe to be, or to have been a worker in the establishment;
- (e) make copies, or take extracts from, any register or other document maintained in relation to the establishment under this Act.

(4) Any person required by an Inspector to produce any register or other document or to give any information shall comply with such requisition.

10. *Penalties.*—(1) If after the commencement of this Act, any employer, being required by or under the Act, so to do—

- (a) omits or fails to maintain any register or other document in relation to workers employed by him, or
- (b) omits or fails to produce any register, muster-roll or other document relating to the employment of workers, or
- (c) omits or refuses to give any evidence or prevents his agent, servant, or any other person in charge of the establishment, or any worker, from giving evidence, or
- (d) omits or refuses to give any information,

he shall be punishable with fine which may extend to one thousand rupees.

(2) If, after the commencement of this Act, any employer—

- (a) makes any recruitment in contravention of the provisions of this Act, or
- (b) makes any payment of remuneration at unequal rates to men and women workers, for the same work or work of a similar nature, or
- (c) makes any discrimination between men and women workers in contravention of the provisions of this Act, or
- (d) omits or fails to carry out any direction made by the appropriate Government under sub-section (5) of section 6,

he shall be punishable with fine which may extend to five thousand rupees.

(3) If any person being required so to do, omits or refuses to produce to an Inspector any register or other document or to give any information, he shall be punishable with fine which may extend to five hundred rupees.

11. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

12. *Cognizance and trial of offences.*—(1) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(2) No court shall take cognizance of an offence punishable under this Act except upon a complaint made with the sanction of the appropriate Government or an officer authorised by it in this behalf.

(3) No court shall take cognizance of an offence punishable under this Act unless complaint thereof is made within three months from the date on which sanction is granted under this section.

13. *Power to make rules.*—(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner in which complaint or claim referred to in sub-section (1) of section 7 shall be made;
- (b) registers and other documents which an employer is required under section 8 to maintain in relation to the workers employed by him;
- (c) any other matter which is required to be or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

14. Power of Central Government to give directions.—The Central Government may give directions to a State Government as to the carrying into execution of this Act in the State.

15. Act not to apply in certain special cases.—In so far as—

- (a) the terms and conditions of a woman's employment are, in any respect, affected by compliance with the law regulating the employment of women, or
- (b) any special treatment is accorded to women in connection with the birth, or expected birth, of a child,

then to that extent the requirement of equal treatment for men and women as mentioned in this Act shall not apply (but without prejudice to its operation, as regards other matters), not shall that requirement extend to requiring equal treatment as regards terms and conditions relating to retirement, marriage or death or to any provision made in connection with retirement, marriage or death.

16. Power to make declaration.—Where the appropriate Government is, on a consideration of all the circumstances of the case, satisfied that the differences in regard to the remuneration, or a particular species of remuneration, of men and women workers in any establishment or employment is based on a factor other than sex, it may, by notification, make a declaration to that effect, and any act of the employer attributable to such a difference shall not be deemed to be a contravention of any provision of this Act.

17. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by notification, make any order not inconsistent with the provisions of this Act, which appears to it to be necessary for the purpose of removing the difficulty:

Provided that every such order shall, as soon as may be after it is made, be laid before each House of Parliament.

18. Repeal and saving.—(1) The Equal Remuneration Ordinance, 1975 (12 of 1975), is hereby repealed.

(2) Notwithstanding such repeal, any thing done or any action taken under the Ordinance so repealed (including any notification, nomination, appointment, order or direction made thereunder) shall be deemed to have been done or taken under the corresponding provisions of this Act as if this Act were in force when such thing was done or action was taken.

Assented to on 11-2-1976.

THE MOTOR VEHICLES (AMENDMENT) ACT, 1976

ACT No. 26 OF 1976

AN

ACT

furtherto amend the Motor Vehicles Act, 1939.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Motor Vehicles (Amendment) Act, 1976.

(2) It shall be deemed to have come into force on the 26th day of September, 1975.

2. Amendment of section 63.—In section 63 of the Motor Vehicles Act, 1939 (4 of 1939), (hereinafter referred to as the principal Act), after sub-section (10), the following sub-sections shall be inserted, namely:—

“(11) Notwithstanding anything contained in sub-section (1), but, subject to the rules that may be made by the Central Government under sub-section (15), the appropriate authority may, for the purpose of encouraging long distance inter-State road transport, grant to the public carriers in a State such number of national permits as the Central Government may specify in this behalf in relation to that State and the provisions of sections 54, 55, 56, 57, 58, 59, 59A, 60, 61 and 64 shall, as far as may be, apply to or in relation to the grant of national permits:

Provided that the number of national permits specified for a State shall not be varied or modified except after consultation with the concerned State Government.

Explanation.—In this section—

- (a) “national permit” means a permit granted by the appropriate authority to a public carrier authorising him to operate as a public carrier throughout the territory of India or in such contiguous States, not being less than five in number (including the State in which the permit is issued), as may be specified in such permit in accordance with the choice indicated by the public carrier to whom such permit is granted; •

(b) "appropriate authority" in relation to a national permit means the authority which is authorised by this Act to grant a public carrier's permit.

(12) Without prejudice to the provisions of sub-section (1) of section 55, the appropriate authority shall, in considering an application for a national permit, also have regard to the following matters, namely:—

(a) no national permit shall be issued—

(i) to an individual owner if he already holds in his own name three or more valid national permits, or, when he holds valid national permits as well as valid inter-State region permits, if the aggregate number of such permits is three or more;

(ii) to a company which already holds in its own name seven or more valid national permits, or, when it holds valid national permits as well as valid inter-State region permits, if the aggregate number of such permits is seven or more;

(b) other conditions being equal, preference shall be given to applicants who are ex-army personnel, or who have valid licences for driving transport vehicles.

Explanation.—In this sub-section "company" includes a body corporate.

(13) If, as a result of the acquisition of one or more inter-State region permits by an individual owner or a company after one or more national permits have been granted to him or it, the aggregate number of the permits held by such individual or company exceeds, in the case of the individual, three, or, in the case of a company, seven, the appropriate authority shall, notwithstanding anything contained in section 60, cancel such number of national permits as would bring down the aggregate number of national permit and inter-State region permit held by such individual, to three, or, in the case of a company, to seven:

Provided that before cancelling any national permit, the appropriate authority shall give to the individual owner or the company, as the case may be, an option to indicate which of the national permits held by him or it should be so cancelled.

(14) Nothing contained in sub-section (12) and (13) shall apply to a State Transport Undertaking.

(15) (a) The Central Government may make rules for carrying out the provisions of sub-section (11).

(b) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(i) the authorisation fee payable for the issue of a national permit;

(ii) the fixation of the laden weight of the motor vehicle;

(iii) the distinguishing particulars or marks to be carried or exhibited in or on the motor vehicle;

(iv) the colour or colours in which the motor vehicle is to be painted;

(v) any matter, not specified in this Act, which shall be borne in mind by the appropriate authority in granting of national permit.

Explanation.—In this sub-section "authorisation fee" means the annual fee, not exceeding seven hundred rupees, which may be charged by the appropriate authority of a State to enable a motor vehicle, covered by the national permit, to be used in other States."

3. *Amendment of section 133.*—In section 133 of the principal Act,—

(a) in sub-section (3), the words "by the Central Government or", the words "Parliament or", in both the places where they occur, and the words "as the case may be," shall be omitted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

4. *Repeal and saving.*—(1) The Motor Vehicles (Amendment) Ordinance, 1975 (14 of 1975), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

Assented to on 11-2-1976.

THE PREVENTION OF PUBLICATION OF OBJECTIONABLE MATTER ACT, 1976

ACT No. 27 OF 1976

AN

ACT

to provide against the printing and publication of incitement to crime and other objectionable matter.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Prevention of Publication of Objectionable Matter Act, 1976.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 8th day of December, 1975.

2. *Definitions and construction.*—(1) In this Act, unless the context otherwise requires,—

- (a) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed, lithographed or otherwise mechanically produced;
- (b) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974);
- (c) "competent authority" means a competent authority appointed under section 4;
- (d) "document" includes also any painting, drawing or photograph or other visible representation;
- (e) "newspaper" means any periodical work containing public news or comments on public news;
- (f) "news-sheet" means any document other than a newspaper containing public news or comments on public news;
- (g) "press" means a printing press, and includes all plant, machinery, duplicators, types, implements and other materials used for the purpose of, or in connection with, printing or multiplying documents;
- (h) "Press Registration Act" means the Press and Registration of Books Act, 1867 (25 of 1867);
- (i) "State Government", in relation to a Union territory, means the administrator thereof appointed under Article 239 of the Constitution;
- (j) "unauthorised newspaper" means—
 - (i) any newspaper in respect of which security has been required under this Act but has not been furnished as required, or
 - (ii) any newspaper which is published without conforming to the rules laid down in section 5 of the Press Registration Act;
- (k) "unauthorised news-sheet" means any news-sheet in respect of which security has been required from the publisher thereof under this Act but has not been furnished as required or any news-sheet which does not contain the name of the printer and the publisher;
- (l) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press Registration Act;
- (m) any expression used but not defined in this Act shall,—
 - (i) if such expression is defined in the Code, have the same meaning as in the Code; and
 - (ii) if such expression is not defined in the Code but defined in the Indian Penal Code, (45 of 1860), have the same meaning as in the Indian Penal Code.

(2) For the purposes of this Act, where different editions of the same newspaper or news-sheet are published, each such edition shall be deemed to be a separate newspaper or news-sheet.

(3) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

(4) Any reference in this Act to any officer or authority shall, in relation to any area in which there is no officer or authority with the same designation, be construed as a reference to such officer or authority as may be specified by the Central Government by notification in the Official Gazette.

3. "*Objectionable matter*" defined.—In this Act, the expression "objectionable matter" means any words, signs or visible representations—

- (a) which are likely to—
 - (i) bring into hatred or contempt, or excite disaffection towards, the Government established by law in India or in any State thereof and thereby cause or tend to cause public disorder; or
 - (ii) incite any person to interfere with the production, supply or distribution of food or other essential commodities or with essential services; or
 - (iii) seduce any member of the Armed Forces or the Forces charged with the maintenance of public order from his allegiance or his duty or prejudice the recruiting of persons to serve in any such Force or prejudice the discipline of any such Force; or
 - (iv) promote disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities; or
 - (v) cause fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity; or
 - (vi) incite any person or any class or community of persons to commit murder, mischief or any other offence; or
- (b) which—
 - (i) are detamatory of the President of India, the Vice-President of India, the Prime Minister or the Speaker of the House of the People or the Governor of a State; or
 - (ii) are grossly indecent, or are scurrilous or obscene or intended for blackmail.

Explanation I.—Comments expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means, and words pointing out, with a view to their removal by lawful means, matters which are producing, or have a tendency to produce disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall not be deemed to be objectionable matter within the meaning of this section.

Explanation II.—In considering whether any matter is objectionable matter under this Act, the effect of the words, signs or visible representations, and not the intention of the keeper of the press or the publisher or editor of the newspaper or news-sheet, as the case may be, shall be taken into account.

4. *Appointment of competent authorities.*—(1) The Central Government may, by notification in the Official Gazette, appoint such officers (being officers of the Central Government, not below the rank of a Deputy Secretary to that Government, or officers of State Governments

or Administrations of Union territories not below the rank of a District Magistrate) as it deems fit to be competent authorities for the purposes of this Act and specify the local limits of their jurisdiction.

(2) An officer appointed under sub-section (1) may exercise the powers of a competent authority under this Act in relation to presses situated and newspapers and news-sheets published within the local limits of his jurisdiction, the keepers of such presses and the publishers and editors of such newspapers.

CHAPTER II

PROHIBITION OF PREJUDICIAL PUBLICATIONS

5. *Power to control prejudicial publications.*—(1) The Central Government or the competent authority, if satisfied that such action is necessary for the purpose of preventing or combating—

- (a) any activity prejudicial to the interests of sovereignty and integrity of India, security of the State, friendly relations with foreign States, public order, decency or morality; or
- (b) any activity involving, or likely to involve or culminate in incitement to offences,

may, by order writing, addressed to the keeper of any press or any publisher or editor, prohibit the printing or publication in any document or any class of documents of any matter relating to a particular subject or class of subjects for a specified period (not exceeding two months from the date of communication of the order) or in a particular issue or issues of a newspaper or periodical.

(2) An order made under sub-section (1) shall not take effect until it is communicated to the person against whom it is made.

(3) When any order is made by the competent authority under sub-section (1) against any person, the competent authority shall forthwith report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as in his opinion have a bearing on the matter and the Central Government may, if satisfied after making such inquiry, if any, as it may deem fit, that it is proper so to do, set aside such order or modify such order to the advantage of such person.

(4) Without prejudice to the provisions of sub-section (3), any person aggrieved by an order made under sub-section (1) may, within ten days of the communication of the order to him, make a representation to the Central Government and the Central Government may, after making such inquiry as it may deem fit and after taking into account the action, if any, taken by it under sub-section (3) in respect of such order, dispose of the matter confirming, modifying or setting aside the order or, as the case may be, confirming such action:

Provided that if the person making the representation makes a request in his representation that he should be given an opportunity to be heard, the Central Government shall not dispose of the matter without giving to such person such opportunity.

(5) If within a period of seven days from the date of receipt of a representation under sub-section (4) the Central Government fails to confirm, modify or set aside

the order against which the representation is made, the order, shall, unless sooner set aside under sub-section (3), be deemed to have been set aside on the expiry of that period.

Explanation.—In computing the said period of seven days,—

- (a) public holidays, that is to say, days on which the offices of the Central Government remain closed; and
- (b) any time allowed to the person making the representation in compliance with his request to be heard; and
- (c) any period during which the representation could not be disposed of by reason of any injunction or order of any court (including the day on which such injunction or order was issued or made and the day on which it was withdrawn),

shall be excluded.

6. *Forfeiture of publications made in contravention of orders under section 5.*—In the event of disobedience of an order made under section 5, the Central Government or the competent authority issuing the order may, without prejudice to any other penalty, to which the person guilty of the disobedience of the order is liable under this Act or under any other law for the time being in force, direct that copies of the publication made in disobedience of such order be seized, and that any printing press or other instrument or apparatus used in the publication be closed down for the period such order is in operation.

7. *Penalty for contravention of orders under section 5.*—Whoever contravenes, disobeys or neglects to comply with any order made under section 5 shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees; or with both.

CHAPTER III

PREVENTION OF PRINTING AND PUBLICATION OF OBJECTIONABLE MATTER

8. *Power to demand security from presses in certain cases.*—Whenever it appears to the competent authority that any press has been used for the purpose of printing or publishing any news paper, news sheet, book or other document containing objectionable matter, and that there are sufficient grounds for demanding security from the keeper of the press under this section, the competent authority shall, by order in writing direct the keeper of the press to deposit as security, within twenty-one days from the date of the order, such amount as the competent authority may think fit to require:

Provided that if, having regard to all the circumstances of the case, the competent authority is satisfied that the requirements of the case will be met by a warning, the competent authority may, instead of demanding security, record, by order in writing, such warning.

9. *Power to forfeit security or demand further security from presses.*—Whenever it appears to the competent authority that any press in respect of which any security has been ordered to be deposited under section 8 or under this section is thereafter used for the purpose of printing or publishing any newspaper, news-sheet, book or other document containing objectionable matter, the

competent authority shall, by order in writing, declare such security as has been deposited, or any portion thereof, to be forfeited to the Central Government or direct the keeper of the press to deposit, within twenty-one days from the date of the order, such further security as the competent authority may deem fit to require and may also, in either case, declare all copies of the newspaper, news-sheet, book or other document containing such objectionable matter, wherever found in India, to be forfeited to the Central Government.

10. Consequences of failure to deposit security as required under section 8 or section 9.—(1) Where the keeper of the press is required under section 8 or section 9 to deposit any amount as security and the deposit is not made within the time allowed—

- (a) the declaration made by the keeper of the press under the Press Registration Act shall be deemed to be annulled; and
- (b) notwithstanding anything contained in the Press Registration Act, neither the said keeper of the press nor any other person shall make or be allowed to make a fresh declaration before a Magistrate under that Act in respect of the press, unless the amount required to be deposited as security by the keeper of the press under section 8 or section 9 is deposited by the keeper of the press or such other person; and
- (c) the press shall not be used for printing or publishing of any newspaper, news-sheet, book or other document until the deposit has been made.

(2) If any press is used in contravention of clause (c) of sub-section (1), any Judicial Magistrate may on a complaint made to him in this behalf by the competent authority direct the keeper of the press to show cause why it should not be forfeited and after hearing him and on being satisfied that there are sufficient grounds for passing the order, declare the press or any part thereof to be forfeited to the Central Government:

Provided that the press or any part thereof so forfeited shall not be disposed of within a period of three months from the date of the order of forfeiture, and if the keeper of the press makes the required deposit within the aforesaid period, the press or the part thereof shall be returned to the keeper of the press.

11. Power to demand security from publishers of newspapers and news-sheets in certain cases.—Whenever it appears to the competent authority that a newspaper or news-sheet contains any objectionable matter, and that there are sufficient grounds for demanding security in respect of the newspaper or news-sheet under this section, the competent authority shall, by order in writing, direct the publisher of the newspaper or news-sheet to deposit, within twenty-one days from the date of the order, as security in respect of the newspaper or news-sheet, such amount as the competent authority may think fit to require:

Provided that if, having regard to all the circumstances of the case, the competent authority is satisfied that the requirements of the case will be met by a warning, the competent authority may, instead of demanding security, record, by order in writing, such warning.

12. Power to forfeit security or demand further security from publishers of newspapers and news-sheets.—Whenever it appears to the competent authority that any newspaper

or news-sheet in respect of which any security has been ordered to be deposited by the publisher under section 11 or under this section thereafter publishes any objectionable matter, the competent authority shall, by order in writing, declare such security as has been deposited, or any portion thereof, to be forfeited to the Central Government or direct the publisher of the newspaper or news-sheet to deposit, within twenty-one days from the date of the order, such further security as the competent authority may deem fit to require and may also, in either case, declare all copies of the newspaper or news-sheet containing such objectionable matter, wherever found in India, to be forfeited to the Central Government.

13. Consequences of failure by publisher to deposit security as required under section 11 or section 12.—(1) Where the publisher of a newspaper is required under section 11 or section 12 to deposit any amount as security in respect of any newspaper and the deposit is not made within the time allowed,—

- (a) the declaration made by the publisher of the newspaper under section 5 of the Press Registration Act shall be deemed to be annulled; and
- (b) notwithstanding anything contained in the Press Registration Act, neither the said publisher nor any other person shall make, or be allowed to make, a fresh declaration before a Magistrate under section 5 of that Act as publisher of that newspaper or any other newspaper which is the same in substance as that newspaper unless the amount required to be deposited by the publisher of the newspaper under section 11 or section 12 is deposited by the said publisher or such other person.

(2) Where a deposit is required from the publisher of a newspaper or news-sheet under section 11 or section 12, no press shall, after the expiry of the time allowed to make deposit, be used for the printing of such newspaper or news-sheet, until the deposit has been made.

(3) The keeper of any press who knowingly contravenes the provisions of sub-section (2) shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both, and where such keeper is convicted for a second or subsequent contravention of that sub-section in respect of the same newspaper or news-sheet, the court may also direct that the press or any part thereof shall be forfeited to the Central Government:

Provided that the press or part thereof so forfeited shall not be disposed of within a period of three months from the date of the order of forfeiture and, if the keeper of the press makes the required deposit within the aforesaid period, the press or the part thereof, as the case may be, shall be returned to the keeper of the press.

14. Power to demand security from editors of newspapers and news-sheets in certain cases.—Whenever it appears to the competent authority that a newspaper or news-sheet contains any objectionable matter and that there are sufficient grounds for demanding security from the editor of the newspaper or news-sheet under this section, the competent authority shall, by order in writing, direct the editor of the newspaper or news-sheet to deposit, within twenty-one days from the date of the order, such amount as the competent authority may think fit to require:

Provided that if, having regard to all the circumstances of the case, the competent authority is satisfied that the requirements of the case will be met by a warning to the editor, the competent authority may, instead of demanding security, record, by order in writing, such warning.

15. Power to forfeit security or demand further security from editors of newspapers and news-sheets.—Whenever it appears to the competent authority—

- (a) that any newspaper or news-sheet contains any objectionable matter, and
- (b) that the editor of such newspapers or news-sheet has been ordered to deposit security (whether as editor of the same newspaper or news-sheet or of any other newspaper or news-sheet) under section 14 or this section,

The competent authority shall, by order in writing, declare such security as has been deposited by such editor or any portion thereof to be forfeited to the Central Government or direct such editor to deposit, within twenty-one days from the date of the order, such further security as the competent authority may deem fit to require.

16. Amount of security and manner of deposit.—(1) The amount of security which may be required to be deposited under any of the foregoing sections of this Chapter shall be fixed with due regard to the circumstances of the case and shall not be excessive.

(2) The amount of security directed to be deposited under any of the foregoing sections of this Chapter shall be deposited in money or the equivalent thereof in Government securities in accordance with such order as the Central Government may, by notification in the Official Gazette, make, with such authority or agency as may be specified in such order.

(3) Every notification issued under sub-section (2) shall be laid, as soon as may be after it is issued, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification, or both Houses agree that the notification should not be issued, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

17. Procedure, etc., to be followed by the competent authority.—(1) The competent authority shall not make any order under section 8, section 9, section 11, section 12, section 14 or section 15, unless he is satisfied, upon a complaint made to him in writing by the proper officer and inquiry made in the manner provided in this section, that it is necessary to make such order.

Explanation.—In this sub-section, “proper officer” means any officer empowered by the Central Government, by general or special order in writing, to make complaints under this section.

(2) Every complaint to the competent authority under sub-section (1) against any person (hereinafter in this

section referred to as the respondent) shall state or describe the objectionable matter in respect of which the complaint is made and, where it is desired that security should be demanded from the respondent, shall specify the amount of security which, in the opinion of the officer making the complaint, should be so demanded.

(3) On receipt of a complaint under sub-section (1) the competent authority may, after making such preliminary inquiry, if any, as he may deem necessary, issue notice thereof to the respondent.

(4) When the respondent appears before the competent authority in compliance with a notice under sub-section (3), the competent authority shall settle the points for determination and proceed to inquire into the complaint and, after taking such evidence as may be produced and after hearing the parties, make such order as he may deem fit.

(5) The competent authority shall inquire into the complaint, as nearly as practicable, in the manner prescribed for conducting trials in summons cases by Magistrates under the Code.

(6) If, on the day appointed for the appearance of the respondent or any day subsequent thereto to which the inquiry may be adjourned, the respondent does not appear, the competent authority may proceed to hear the complaint and take all such evidence, if any, as may be produced in support of the complaint and make such orders under this Act as he may deem fit.

Provided that if, on an application made by the respondent within fifteen days of the date of the *ex parte* order, the competent authority is satisfied that there are sufficient grounds, he may set aside the order and make a fresh inquiry into the complaint.

(7) In any inquiry before the competent authority with reference to any newspaper or news-sheet, any previous or subsequent issue of such newspaper or news-sheet may be given in evidence in aid of the proof of the nature and effect of the words, signs or visible representation in respect of which the complaint is made.

(8) For the purpose of hearing and disposing of complaints under this section, the competent authority shall have all the powers of a Judicial Magistrate of the first class under the Code.

18. Revision by and appeals to Central Government.—(1) When any order is made by the competent authority under this Chapter against any person, the competent authority shall forthwith report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as in the opinion of the competent authority have a bearing on the matter and the Central Government may, if satisfied after making such inquiry, if any, as it may deem fit, that it is proper so to do, set aside such order or modify such order to the advantage of such person.

(2) Without prejudice to the provisions of sub-section (1), any person aggrieved by an order of the competent authority under this Chapter may, within thirty days of the making of such order, prefer an appeal to the Central Government and the Central Government may, after making such inquiry as it may deem fit and after taking into account the action, if any, taken by it under sub-section (1) in respect of such order, dispose of the appeal

confirming, modifying or setting aside the order or, as the case may be, confirming such action:

Provided that before confirming any such order or modifying it to the disadvantage of the appellant, the Central Government shall give an opportunity to the appellant to represent his case.

(3) On the disposal of the appeal, the Central Government shall communicate the order made by it to the appellant and the competent authority.

(4) If within a period of sixty days from the date of receipt of an appeal under sub-section (2), the Central Government fails to confirm, modify or set aside the order appealed against, the order shall, unless sooner set aside under sub-section (1), be deemed to have been set aside on the date of the expiry of the said period.

Explanation.—In computing the said period of sixty days, any period during which the Central Government could not dispose of the appeal by reason of any injunction or order of any Court (including the day on which such injunction or order was issued or made and the date on which it was withdrawn) shall be excluded.

CHAPTER IV

PREVENTION OF CIRCULATION AND DISTRIBUTION OF OBJECTIONABLE MATTER

19. Power of Central Government to declare certain publications forfeited.—Where it appears to the Central Government that any issue of a newspaper or news-sheet or any book or other document, wherever made, contains any objectionable matter, that Government may, by notification in the Official Gazette, stating the grounds for the order, declare that every copy of such issue of the newspaper or news-sheet or of such book or document shall be forfeited to the Central Government.

20. Power to detain packages containing certain publications when imported.—(1) Any officer of customs under the Customs Act, 1962 (52 of 1962), or any other officer empowered by a general or special order by the Central Government in this behalf may detain any package imported into India in which he suspects there are newspapers, news-sheets, books or other documents containing objectionable matter and shall forthwith forward copies of any such newspaper, news-sheet book or other document found therein to such officer as the Central Government may appoint in this behalf to be disposed of in such manner as the Central Government may direct.

(2) Any person aggrieved by any action taken under sub-section (1) may apply, within fourteen days from the date on which such action is taken, to the Central Government for review and the Central Government may pass such orders thereon as it thinks fit.

21. Prohibition of transmission by post of certain documents.—(1) No newspaper, news-sheet, book or other document which has been declared to be forfeited under any of the provisions of this Act and no unauthorised newspaper or unauthorised news-sheet shall be transmitted by post.

(2) Any officer in charge of a post office authorised by the Central Government in this behalf may detain in course of transmission by post any article other than a letter which he suspects to contain any document as is mentioned in sub-section (1) and shall deliver all such articles to such officer as the Central Government may appoint in this behalf.

(3) If the officer to whom any article is delivered under sub-section (2) is satisfied that the article contains any such document as is mentioned in sub-section (1), he may pass such orders as to the disposal of the article and its contents as he deems proper, and, if he is not so satisfied, he shall return the article to the post office for transmission to the addressee.

22. Power to seize and destroy unauthorised newspapers and news-sheets.—(1) Any police officer or any other officer empowered in this behalf by a State Government may seize any unauthorised newspaper or unauthorised news-sheet in the State.

(2) Any Metropolitan Magistrate, Chief Judicial Magistrate or a Magistrate of the first class may, by warrant, authorise any police officer, not below the rank of a sub-inspector, to enter upon and search any place where any stock of unauthorised newspapers or news-sheets may be, or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion are unauthorised newspapers or unauthorised news-sheets.

(3) All documents seized under sub-section (1) shall be produced, as soon as may be, before a Metropolitan Magistrate, a Chief Judicial Magistrate or a Magistrate of the first class and all documents seized under sub-section (2) shall be produced, as soon as may be, before the Court of the Magistrate who issued the warrant.

(4) If in the opinion of such Magistrate or Court any of such documents are unauthorised newspapers or unauthorised news-sheets, the Magistrate or Court may cause them to be destroyed, but if, in the opinion of such Magistrate or Court any of such documents are not unauthorised newspapers or unauthorised news-sheets, such Magistrate or Court shall dispose of them in the manner provided in sections 457, 458 and 459 of the Code.

23. Power to seize and forfeit un-declared presses producing unauthorised newspapers and unauthorised news-sheets.—(1) Where a Metropolitan Magistrate or a Chief Judicial Magistrate has reason to believe that an unauthorised newspaper or unauthorised news-sheet is being produced from an undeclared press within the local limits of his jurisdiction, he may, by warrant, authorise any police officer, not below the rank of a sub-inspector, to enter upon and search any place where such undeclared press may be, or may be reasonably suspected to be, and if, in the opinion of the police officer, any press found in such place is an undeclared press and is used to produce an unauthorised newspaper or unauthorised news-sheet, he may seize such press and any documents found in the place which, in his opinion, are unauthorised newspapers or unauthorised news-sheets.

(2) The police officer shall forthwith make a report of the search to the Court which issued the warrant and shall produce before such Court, as soon as may be, all property seized:

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may think requisite, is of opinion that a press seized under this section is an unauthorised press which is used to produce an unauthorised newspaper or news-sheet, it may, by order in writing, declare the press or any part thereof to be forfeited to the Central Government, but if after such inquiry the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 457, 458 and 459 of the Code.

(4) The Court shall deal with the documents produced before it under this section in the manner provided in sub-section (4) of section 22.

CHAPTER V

APPEALS AND APPLICATIONS TO HIGH COURT

24. Appeals.—(1) Any person aggrieved by an order passed under section 18 may prefer an appeal to the High Court within the jurisdiction of which such person ordinarily resides or carries on business or personally works for gain.

(2) No appeal shall be entertained under sub-section (1) unless it is made within sixty days of the date of the order appealed against.

(3) Upon any appeal under this section, the High Court may pass such order as it deems fit confirming, varying or setting aside the order appealed from, and may pass such consequential or incidental orders as may be necessary.

25. Application to High Court against orders of forfeiture.—(1) Any person aggrieved by an order of forfeiture passed by a Magistrate under sub-section (2) of section 10 or sub-section (3) of section 13 may, within sixty days of the date of such order, make an application to the High Court to which such Magistrate is subordinate.

(2) Any person aggrieved by an order of forfeiture passed under section 19 or by an order under sub-section (2) of section 20 may, within sixty days of the date of such order, make an application to the High Court within the jurisdiction of which such person ordinarily resides or carries on business or personally works for gain.

(3) The High Court to which any application is made under this section may pass such order as it deems fit confirming, varying or setting aside the order in respect of which such application is made any may pass such consequential or incidental orders as may be necessary.

26. Appeals and applications to be heard by a Bench of three Judges.—Every appeal and every application to a High Court under this Chapter shall, where the High Court consists of three or more Judges, be heard and determined by a Special Bench of the High Court composed of three Judges and where the High Court consists of less than three Judges, such Special Bench shall be composed of all the Judges of the High Court.

27. Procedure in High Court.—Every High Court may frame rules to regulate the procedure in respect of appeals and applications under this Chapter and until such rules are framed, the practice of such High Court in proceedings in respect of appeal and revision shall apply, in so far as may be practicable, to such appeals and applications.

CHAPTER VI

PENALTIES

28. Penalty for keeping press without making deposit.—Whoever is the keeper of a press which is used for the printing or publishing of any newspaper, news-sheet, book or other document without making a deposit as required under section 8 or section 9 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

29. Penalty for publishing news-paper or news-sheet without making deposit.—Whoever publishes any newspaper or news-sheet without making a deposit as required under section 11 or section 12 or publishes such newspaper or news-sheet knowing that such security has not been deposited shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

30. Penalty for acting as editor without making deposit.—Whoever acts as an editor of a newspaper or news-sheet without making a deposit as required under section 14 or section 15 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

31. Penalty for disseminating un-authorised newspapers and un-authorised news-sheets.—Whoever sells or distributes or keeps for sale or distribution any unauthorised newspaper or unauthorised news-sheet knowing or having reason to believe that it was an unauthorised newspaper or an unauthorised news-sheet shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

CHAPTER VII

MISCELLANEOUS

32. Service of notices.—Every notice under this Act shall be served in the manner provided for the service of summons under the Code:

Provided that if service in such manner cannot, by the exercise of due diligence, be effected, the serving officer shall, where the notice is directed to the keeper of the press, affix a copy thereof to some conspicuous part of the place where the press is situated, as described in the keeper's declaration under section 4 of the Press Registration Act, and, where the notice is directed to the publisher or editor of a newspaper, to a conspicuous part of the premises where the publication of such newspaper is conducted, as given in the publisher's declaration under section 5 of that Act and thereupon the notice shall be deemed to have been duly served.

33. Issue of search-warrants in certain cases.—(1) Where any press or any copies of newspaper, news-sheet, book or other document are declared forfeited to the Central Government under this Act, the Central Government may require a Magistrate to issue a warrant empowering any police officer, not below the rank of a sub-Inspector, to seize the detain any property ordered to be forfeited and to enter upon and search for such property in any premises—

- (a) where any such property may be or may be reasonably suspected to be, or
- (b) where any copy of such newspaper, news-sheet, book or other document is kept for sale, distribution, publication or public exhibition or is reasonably suspected to be so kept.

(2) Without prejudice to the provisions contained in sub-section (1), where any newspaper, news-sheet or other document is declared forfeited to the Central Government, it shall be lawful for any police officer to seize the same, wherever found.

34. Conduct of searches.—Every warrant issued under this Act shall, so far as it relates to a search, be executed in the manner provided for the execution of search-warrants under the Code.

35. Return of security in certain cases.—(1) Where any keeper of a press or publisher or editor of a newspaper or news-sheet has deposited any amount as security or further security as required under section 8 or section 9 or section 11 or section 12 or section 14 or section 15 and no further action has been taken in respect of the press or the publisher or the editor under this Act for a period of two years from the date of such deposit, the person who made the deposit or any person claiming under him may apply to the Central Government for the return of the security in deposit.

(2) The Central Government shall, after making such inquiry as it may deem fit and after being satisfied about the claim of the applicant, direct the security to be returned to the applicant.

36. Application of provisions of Act 36 of 1963.—For the purpose of determining any period of limitation prescribed by this Act for any application or appeal, the provisions of sections 4 to 24 of the Limitation Act, 1963 shall apply as they apply for determining the period of limitation prescribed for any application or appeal by the Schedule to that Act.

37. Bar of jurisdiction and protection of action taken in good faith.—Every declaration of forfeiture purporting to be made under this Act shall, as against all persons be conclusive evidence that the forfeiture therein referred to has taken place, and except as provided by this Act—

(a) no proceeding taken or purporting to be taken under this Act shall be called in question by or before any court; and

(b) no civil or criminal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

38. Bar of double penalty.—Notwithstanding anything contained in this Act, no keeper of a press or publisher of any newspaper or news-sheet or editor of any newspaper or news-sheet shall be prosecuted under section 28, section 29 or section 30, as the case may be, if for the same act or omission such person has been proceeded against under section 8 or section 9 or section 11 or section 12 or section 14 or section 15, as the case may be; nor shall any such person be proceeded against under section 8 or section 9 or section 11 or section 12 or section 14 or section 15, as the case may be, if for the same act or omission such person has been prosecuted under section 28, section 29 or section 30, as the case may be.

39. Cognizability of offences under this Act.—Notwithstanding anything contained in the Code, any offence punishable under this Act and any abetment of such offence shall be cognizable and bailable.

40. Repeal of sections 6, 7 and 8 of Act 35 of 1969.—Section 6, 7 and 8 of the Criminal and Election Laws Amendment Act, 1969 are hereby repealed.

41. Repeal of Ordinance 28 of 1975 and saving.—(1) The Prevention of publication or Objectionable Matter Ordinance, 1975 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

Assented to on 11-2-1976

THE PARLIAMENTARY PROCEEDINGS (PROTECTION OF PUBLICATION) REPEAL ACT, 1976

ACT No. 28 OF 1976

AN

ACT

to repeal the *Parliamentary Proceedings (Protection of Publication) Act, 1956*.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the *Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976*.

(2) It shall be deemed to have come into force on the 8th day of December, 1975.

2. Repeal of Act 24 of 1956 and saving.—The *Parliamentary Proceedings (Protection of Publication) Act, 1956*, shall stand repealed:

Provided that such repeal shall not affect any proceedings, civil or criminal (whether pending immediately before the commencement of this Act or instituted or taken after such commencement) in respect of—

(a) any publication referred to in sub-section (1) of section 3 of the said Act, made before such commencement; or

(b) any report or matter broadcast before such commencement, by the means referred to in section 4 of the said Act,

and accordingly any such proceedings shall be disposed of as if the said Act had continued in force and this Act had not been passed.

3. Repeal.—The *Parliamentary Proceedings (Protection of Publication) Repeal Ordinance, 1975 (25 of 1975)*, is hereby repealed.

Assented to on 11-2-1976

THE PAYMENT OF WAGES (AMENDMENT) ACT, 1976

ACT No. 29 OF 1976

AN

ACT

to amend the *Payment of Wages Act, 1936*.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the *Payment of Wages (Amendment) Act, 1976*.

(2) It shall be deemed to have come into force on the 12th day of November, 1975.

2. Amendment of section 1.—In the *Payment of Wages Act, 1936 (4 of 1936)* (hereinafter referred to as the principal Act), in sub-section (6) of section 1, for the words “four hundred rupees”, the words “one thousand rupees” shall be substituted.

3. Amendment of section 6.—In section 6 of the Principal Act, the following proviso shall be inserted at the end, namely:—

“Provided that the employer may, after obtaining the written authorisation of the employed person, pay him the wages either by cheque or by crediting the wages in his bank account.”

4. *Amendment of section 7.*—In sub-section (2) of section 7 of the principal Act, after clause (o), the following clause shall be inserted, namely:—

“(p) deductions, made with the written authorisation of the employed person, for contribution to the Prime Minister’s National Relief Fund or to such other Fund as the Central Government, may, by notification in the Official Gazette, specify.”

5. *Repeal and saving.*—(1) The Payment of Wages (Amendment) Ordinance, 1975, (21 of 1975), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Assented to on 16-2-1976.

THE HOUSE OF THE PEOPLE (EXTENSION OF DURATION) ACT, 1976

ACT No. 30 OF 1976

AN
ACT

to provide for the extension of the duration of the present House of the People.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the House of the People (Extension of Duration) Act, 1976.

2. *Extension of duration of the present House of the People.*—The period of five years [being the period for which the House of the People may, under clause (2) of Article 83 of the Constitution, continue from the date appointed for its first meeting] in relation to the present House of the People shall, while the proclamations of Emergency issued on the 3rd day of December, 1971 and on the 25th day of June, 1975, are both in operation, be extended for a period of one year:

Provided that if both or either of the said Proclamations cease or ceases to operate before the expiration of the said period of one year, the present House of the People shall, unless previously dissolved under clause (2) of Article 83 of the Constitution, continue until six months after the cesser of operation of the said Proclamations or Proclamation but not beyond the said period of one year.

Assented to on 16-2-1976.

THE LEVY SUGAR PRICE EQUALISATION FUND ACT, 1976

ACT No. 31 OF 1976

AN
ACT

to provide for the establishment, in the interest of the general public, of a fund to ensure that the price of levy sugar may be uniform throughout India and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Levy Sugar Price Equalisation Fund Act, 1976.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “controlled price” means the price of the relevant grade of levy sugar, determined from time to time under sub-section (3C) of section 3 of the Essential Commodities Act, 1955 (10 of 1955), or under the Defence and Internal Security of India Rules, 1971, in relation to any year of production;

(b) “excess realisation”, in relation to each grade of levy sugar,—

(i) means the price realised by any producer, on the sale of levy sugar of such grade, in excess of—
(a) the controlled price, or

(b) where any fair price has been fixed by a court for levy sugar of such grade, such fair price, and

(ii) includes any realisation representing the difference between the controlled price and the price allowed by the court by an interim order, if such interim order is set aside, whether by the court which made the order or in appeal or revision;

(c) “fair price”, in relation to levy sugar, means the price fixed by the court in excess of the controlled price, and, where an interim price, fixed by the court, is superseded by a price which is finally fixed by the Court, the price so finally fixed;

(d) “Fund” means the Levy Sugar Price Equalisation Fund, established under section 3;

(e) “levy sugar” has the meaning assigned to it in the levy Sugar Supply (Control) Order, 1972, published with the Order of the Government of India, in the late Ministry of Agriculture (Department of Food), No. GSR 310(E)/Ess. Com./Sugar, dated the 15th June, 1972;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “producer” means a person carrying on the business of manufacturing sugar by the vacuum pan process.

3. *Levy Sugar Price equalisation fund.*—(1) There shall be established a Fund, to be called the Levy Sugar Price Equalisation Fund.

(2) Save as otherwise provided in sub-section (4), there shall be credited to the Fund, in such manner as may be prescribed,—

(a) the amounts representing all excess realisations made by the producers, irrespective of whether such excess realisations were made before or after the commencement of this Act;

(b) the amounts representing any loans which may be advanced, or grants which may be made, by the Central Government for carrying out the objects of the Fund.

(3) Save as otherwise provided in sub-section (4), every producer shall,—

(a) in the case of an excess realisation made before the commencement of this Act, within thirty days from such commencement,

(b) in the case of an excess realisation made after such commencement, within thirty days from the date on which such excess realisation was made,

credit to the Fund, the amount representing such excess realisations, together with interest due thereon at the rate of twelve and a half per cent per annum, from the date on which such amount was realised by him.

(4) Where, by virtue of any interim order made by any court, whether before or after the commencement of this Act,—

- (a) amounts presenting the difference between the controlled price and price allowed by any court by an order made in this behalf, have been, or are required to be,—
 - (i) kept with the producer himself, or
 - (ii) kept deposited with, or in the custody of, any court, or
 - (iii) kept deposited with, or in the custody of, any Government, bank, authority or other person; or
- (b) any amount in excess of the controlled price has been collected and kept by the producer under the cover of any guarantee given in pursuance of such order,

it shall not be necessary to credit such amounts to the Fund so long as the court which passed the interim order does not so direct.

(5) Where, in pursuance of an interim order referred to in sub-section (4) any amount representing the difference between the controlled price and the interim price allowed by the court is,—

- (a) held by any producer either with himself or with any other person or with any court, Government, bank or other authority, or
- (b) collected and kept by the producer under the cover of any guarantee,

such producer shall, on the final disposal of the proceedings of the court aforesaid, or in any court of appeal or revision, credit such amount, to the extent it represents any excess realisation, to the Fund.

(6) For the removal of doubts, it is hereby declared that the obligation to credit amounts representing excess realisations to the Fund shall be in addition to any penalty which may be imposed for the contravention of any provision of this Act.

(7) The Fund shall be administered, subject to the provisions of section 8, by the Central Government.

4. *Determination of questions as to making of excess realisations.*—If any question arises as to whether any producer has realised, on the sale of levy sugar, any amount in excess of the controlled price, or, as the case may be, the fair price, it shall be decided by the Central Government after giving an opportunity to such producer of being heard and after making such inquiry as that Government may deem fit.

5. *Discharge of persons of liability in respect of amounts credited to the Fund.*—Where any amount is credited to the Fund under section 3, the producer by whom such amount is credited shall, upon such crediting, be discharged from the liability to make repayment of such amounts to the persons entitled thereto and such discharge from liability to make repayment shall be without any prejudice to any penalty which may be imposed on such producer for each excess realisation made by him.

6. *Right of buyer to claim refund.*—(1) Where any amount is credited to the Fund, a refund shall be made from the Fund to the buyer of levy sugar from whom any excess realisation was made by the producer or dealer:

Provided that no buyer shall be entitled to claim a refund under this sub-section if he,—

- (a) being a wholesale dealer, had passed on the incidence of such excess over the controlled or fair price of levy sugar to the retail dealer by whom the price of such sugar was paid, or
- (b) being a retail dealer, had passed on the incidence of such excess over the controlled or fair price

of levy sugar to the consumer by whom the price of such sugar was paid.

(2) Every application for refund under sub-section (1) shall be made to the Central Government within six months from the date on which the excess realisation, in relation to which such refund is claimed, is credited to the Fund, and every such application shall be in such form as may be prescribed and shall be accompanied by such documentary or other evidence as the applicant may furnish to establish that the excess realisation, in relation to which such refund is claimed, was made from him.

(3) The Central Government shall, if satisfied, on a scrutiny of the claim made under sub-section (1), that an excess realisation was made from the claimant, direct that refund be made from the Fund to the claimant to the extent of the excess realisation made from him:

Provided that if the amount standing to the credit of the Fund is not sufficient to enable the Central Government to make the refund, such refund shall be made from the Central revenues.

7. *Excess realisation not to be paid to any producer of sugar.*—Notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, no amount, representing excess realisations made by a producer or excess realisations made by a producer under the cover of any guarantee given by any person shall be paid to any producer.

8. *Fund to vest in the Central Government.*—(1) Any money paid into the Fund, which remains unclaimed after the expiry of the period of six months from the date on which it is credited to the Fund, shall vest in the Central Government and such amount shall be utilised by that Government in such manner as may be prescribed having regard to the interests of the consumers of levy sugar as a class and the need to ensure that the retail price of levy sugar throughout India is uniform:

Provided that, notwithstanding the vesting of such money in the Central Government, a claim for the refund of money standing to the credit of the Fund may be made [in the manner specified in sub-section (2) of section 6] at any time by a buyer who is lawfully entitled to make such claim, and every such claim, if admitted, shall be dealt with as if the money relating to such claim had not vested in the Central Government.

(2) The Central Government shall not grant any loan or give any financial assistance from the Fund except for the purposes of this Act.

(3) The Central Government shall maintain, or if it thinks fit specify the authority which shall maintain, proper and separate account and other relevant records in relation to the Fund in such form as may be prescribed in consultation with the Comptroller and Auditor General of India.

9. *Power to require producers to maintain accounts, etc.*—The Central Government may, if it is satisfied that it is expedient or necessary so to do for carrying out the provisions of this Act, by an order, direct any producer to maintain such books of account and other records in relation to levy sugar as it may think fit and to produce such books of account and other records for inspection and may also direct such producer to furnish such information relating to levy sugar as may be specified in the order.

10. *Power to entry, search and seizure.*—(1) Any authority specified by the Central Government in this behalf may, if it is satisfied that any provision of this Act has been, or is being, or is about to be, contravened,

authorise any person to enter and search any premises where any accounts, books, registers and other documents relating to levy sugar and belonging to, or under the control of, a producer or his agent, are maintained or kept for safe custody.

(2) The person so authorised may seize any such accounts, books, registers or other documents if he has any reason to believe that a contravention of this Act has been, or is being, or is about to be, committed:

Provided that the accounts, books, registers or other documents seized under this section shall not be retained in custody of the Central Government for a period exceeding ninety days:

Provided further that where such accounts, books, registers and other documents are required for the purposes of any prosecution, they may be retained in a custody of the Central Government for a further period, not exceeding ninety days, for the purposes of such prosecution.

(3) The provisions of the Code of Criminal Procedure, 1973, (2 of 1974) relating to searches and seizures, shall, so far as may be, apply to searches and seizures made under this Act.

11. Power of Central Government to recover excess realisations as arrears of land revenue.—If any producer makes any default in crediting to the Fund any excess realisations made by him or any part thereof, such excess realisations or such part, as the case may be, shall be recoverable by the Central Government from such producer as an arrear of land revenue.

12. Dissolution of the Fund.—The Central Government may, by notification in the Official Gazette, declare that, with effect from such date as may be specified in the notification, the Fund shall cease to exist and thereupon all the amounts lying to the credit of the Fund shall be credited to the Central revenues and refund, if any made, by the Central Government, after such cesser to any buyer of levy sugar shall be treated as an order for the refund of revenue.

13. Penalties.—(1) If any producer—

- (a) makes any default in crediting to the Fund any excess realisations made by him or any part thereof, or
- (b) having been required by the Central Government so to do, omits or fails to—
 - (i) maintain any books, accounts or other records in relation to levy sugar, or
 - (ii) produce any books, accounts or other records for inspection, or
 - (iii) furnish any information or furnishes any information which is incorrect or false in material particulars,

he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both.

(2) No court shall take cognizance of any offence punishable under this Act except on the complaint in writing made by the Central Government or by any officer or authority authorized, in writing, by that Government in this behalf.

14. Removal of difficulties.—If any difficulty arises in giving effect to any provision of this Act, the Central Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary to remove the difficulty.

15. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Central Government or any person authorised by the Central Government for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

16. Power to make rules.—(1) The Central Government may make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner in which amounts shall be credited to the Fund under section 3;
- (b) the form in which an application for refund, referred to in section 6, shall be made;
- (c) the manner in which amounts standing to the credit of the Fund shall be utilised, as required by section 8;
- (d) the form in which the account and the relevant records, referred to in sub-section (3) of section 8, shall be maintained;
- (e) any other matter in relation to which such rules are required to be, or may be, made.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter having effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Assented to on 16-2-1976.

THE INDUSTRIAL DISPUTES (AMENDMENT) ACT, 1976

ACT No. 32 OF 1976

AN

ACT

further to amend the Industrial Disputes Act, 1947.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Industrial Disputes (Amendment) Act, 1976.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 25A.—In the Industrial Disputes Act, 1947 (14 of 1947), (hereinafter referred to as the principal Act, in section 25A, in sub-section (1), for the words “shall not apply—”, the words, figure and letter “shall not apply to industrial establishments to which Chapter VB applies, or—” shall be substituted.

3. *Insertion of new Chapter VB.*—After Chapter VA of the principal Act, the following Chapter shall be inserted, namely:—

CHAPTER VB

SPECIAL PROVISIONS RELATING TO LAY-OFF, RETRENCHMENT AND CLOSURE IN CERTAIN ESTABLISHMENTS

25K. *Application of Chapter VB.*—(1) The provisions of this Chapter shall apply to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than three hundred workmen were employed on an average per working day for the preceding twelve months.

(2) If a question arises whether an industrial establishment is of a seasonal character or whether work is performed therein only intermittently, the decision of the appropriate Government thereon shall be final.

25L. *Definitions.*—For the purposes of this Chapter,—

(a) “industrial establishment” means—

- (i) a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (63 of 1948);
- (ii) a mine as defined in clause (j) of sub-section (1) of section 2 of the Mines Act, 1952 (35 of 1952); or
- (iii) a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951 (69 of 1951);

(b) notwithstanding anything contained in sub-clause (ii) of clause (a) of section 2,—

- (i) in relation to any company in which not less than fifty-one per cent of the paid-up share capital is held by the Central Government, or
- (ii) in relation to any corporation [not being a corporation referred to in sub-clause (i) of clause (a) of section 2] established by or under any law made by Parliament,

the Central Government shall be the appropriate Government.

25M. *Prohibition of lay-off.*—(1) No workman (other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of an industrial establishment to which this Chapter applies shall be laid-off by his employer except with the previous permission of such authority as may be specified by the appropriate Government by notification in the Official Gazette, unless such lay-off is due to shortage of power or to natural calamity.

(2) Where the workmen (other than *badli* workmen or casual workmen) of an industrial establishment referred to in sub-section (1) have been laid-off before the commencement of the Industrial Disputes (Amendment) Act, 1976 and such lay-off continues at such commencement, the employer in relation to such establishment shall, within a period of fifteen days from such commencement, apply to the authority specified under sub-section (1) for permission to continue the lay-off.

(3) In the case of every application for permission under sub-section (1) or sub-section (2), the authority to whom the application has been made may, after making such inquiry as he thinks fit, grant or refuse, for reasons to be recorded in writing, the permission applied for.

(4) Where an application for permission has been made under sub-section (1) or sub-section (2) and the authority to whom the application is made does not communicate the permission or the refusal to grant the permission to the employer within a period of two months from the date on which the application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of two months.

(5) Where no application for permission under sub-section (1) is made, or where no application for permission under sub-section (2) has been made within the period specified therein, or where the permission for the lay-off or the continuance of the lay-off has been refused, such lay-off shall be deemed to be illegal from the date on which the workmen have been laid-off and the workmen shall be entitled to all the benefits under any law for the time being in force as if they had not been laid-off.

(6) The provisions of section 25C (other than the second proviso thereto) shall apply to cases of lay-off referred to in this section.

Explanation.—For the purposes of this section, a workman shall not be deemed to be laid-off by an employer if such employer offers any alternative employment (which in the opinion of the employer does not call for any special skill or previous experience and can be done by the workman) in the same establishment from which he has been laid-off or in any other establishment belonging to the same employer, situate in the same town or village, or situate within such distance from the establishment to which he belongs that the transfer will not involve undue hardship to the workman having regard to the facts and circumstances of his case, provided that the wages which would normally have been paid to the workman are offered for the alternative appointment also.

25N. *Conditions precedent, to retrenchment of workmen.*—(1) No workman employed in any industrial establishment to which this Chapter applies, who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until,—

- (a) the workman has been given three months' notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

Provided that no such notice shall be necessary if the retrenchment is under an agreement, which specifies a date for termination of service:

- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months: and
- (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette, and the permission of such Government or authority is obtained under sub-section (2).

(2) On receipt of a notice under clause (c) of sub-section (1) the appropriate Government or authority may, after making such inquiry as such Government or authority thinks fit, grant or refuse, for reasons to be

recorded in writing the permission for the retrenchment to which the notice relates.

(3) Where the Government or authority does not communicate the permission or the refusal to grant the permission to the employer within three months of the date of service of the notice under clause (c) of sub-section (1), the Government or authority shall be deemed to have granted permission for such retrenchment on the expiration of the said period of three months.

(4) Where at the commencement of the Industrial Disputes (Amendment) Act, 1976, the period of notice given under clause (a) of section 25F for the retrenchment of any workman has not expired, the employer shall not retrench the workman but shall, within a period of fifteen days from such commencement, apply to the appropriate Government or to the authority specified in sub-section (2) for permission for retrenchment.

(5) Where an application for permission has been made under sub-section (4) and the appropriate Government or the authority, as the case may be, does not communicate the permission or the refusal to grant the permission to the employer within a period of two months from the date on which the application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of two months.

(6) Where no application for permission under clause (c) of sub-section (1) is made, or where no application for permission under sub-section (4) is made within the period specified therein or where the permission for the retrenchment has been refused, such retrenchment shall be deemed to be illegal from the date on which the notice of retrenchment was given to the workman and the workman shall be entitled to all the benefits under any law for the time being in force as if no notice had been given to him.

(7) Where at the commencement of the Industrial Disputes (Amendment) Act, 1976, a dispute relating, either solely or in addition to other matters, to the retrenchment of any workman or workmen of an Industrial establishment to which this Chapter applies is pending before a conciliation officer or the Central Government or the State Government, as the case may be, and—

- (a) there is an allegation that such retrenchment is by way of victimisation; or
- (b) the appropriate Government is of the opinion that such retrenchment is not in the interests of the maintenance of industrial peace,

the appropriate Government, if satisfied that it is necessary so to do, may, by order, withdraw such dispute or, as the case may be, such dispute in so far as it relates to such retrenchment and transfer the same to an authority (being an authority specified by the appropriate Government by notification in the Official Gazette) for consideration whether such retrenchment is justified and any order passed by such authority shall be final and binding on the employer and the workman or workmen.

25-O.—*Ninety days' notice to be given of intention to close down any undertaking.*—(1) An employer who intends to close down an undertaking of an industrial establishment to which this Chapter applies shall serve, for previous approval at least ninety days before the date on which the intended closure is to become effective, a notice, in the prescribed manner, on the appropriate

Government stating clearly the reasons for the intended closure of the undertaking:

Provided that nothing in this section shall apply to an undertaking set up for the construction of buildings, bridges, roads, canals, dams or for other construction work.

(2) On receipt of a notice under sub-section (1) the appropriate Government may, if it is satisfied that the reasons for the intended closure of the undertaking are not adequate and sufficient or such closure is prejudicial to the public interest, by order, direct the employer not to close down such undertaking.

(3) Where a notice has been served on the appropriate Government by an employer under sub-section (1) of section 25FFA and the period of notice has not expired at the commencement of the Industrial Disputes (Amendment) Act, 1976, such employer shall not close down the undertaking but shall, within a period of fifteen days from such commencement, apply to the appropriate Government for permission to close down the undertaking.

(4) Where an application for permission has been made under sub-section (3) and the appropriate Government does not communicate the permission or the refusal to grant the permission to the employer within a period of two months from the date on which the application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of two months.

(5) Where no application for permission under sub-section (1) is made, or where no application for permission under sub-section (3) is made within the period specified therein or where the permission for closure has been refused, the closure of the undertaking shall be deemed to be illegal from the date of closure and the workman shall be entitled to all the benefits under any law for the time being in force as if no notice had been given to him.

(6) Notwithstanding anything contained in sub-section (1) and sub-section (3), the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that the provisions of sub-section (1) or sub-section (3) shall not apply in relation to such undertaking for such period as may be specified in the order.

(7) Where an undertaking is approved or permitted to be closed down under sub-section (1) or sub-section (4), every workman in the said undertaking who has been in continuous service for not less than one year in that undertaking immediately before the date of application for permission under this section shall be entitled to notice and compensation as specified in section 25N as if the said workman had been retrenched under that section.

25P. *Special provision as to restarting of undertakings closed down before commencement of the Industrial Disputes (Amendment) Act, 1976.*—If the appropriate Government is of opinion in respect of any undertaking of an industrial establishment to which this Chapter applies and which closed down before the commencement of the Industrial Disputes (Amendment) Act, 1976,—

- (a) that such undertaking was closed down otherwise than on account of unavoidable circumstances beyond the control of the employer;

- (b) that there are possibilities of restarting the undertaking;
- (c) that it is necessary for the rehabilitation of the workmen employed in such undertaking before its closure or for the maintenance of supplies and services essential to the life of the community to restart the undertaking or both; and
- (d) that the restarting of the undertaking will not result in hardship to the employer in relation to the undertaking.

it may, after giving an opportunity to such employer and workmen, direct, by order published in the Official Gazette, that the undertaking shall be restarted within such time (not being less than one month from the date of the order) as may be specified in the order.

25Q. Penalty for lay-off and retrenchment without previous permission.—Any employer who contravenes the provisions of section 25M or clause (c) of sub-section (1) or sub-section (4) of section 25N shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

25R. Penalty for closure.—(1) Any employer who closes down an undertaking without complying with the provisions of sub-section (1) of section 25-O shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

(2) Any employer, who contravenes a direction given under sub-section (2) of section 25-O or section 25P, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both; and where the contravention is a continuing one, with a further fine which may extend to two thousand rupees for every day during which the contravention continues after the conviction.

(3) Any employer, who contravenes the provisions of sub-section (3) of section 25-O shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

25S. Certain provisions of Chapter VA to apply to an industrial establishment to which this Chapter applies.—The provisions of sections 25B, 25D, 25FF, 25G, 25H and 25J in Chapter VA shall, so far as may be, apply also in relation to an industrial establishment to which the provisions of this Chapter apply.

4. Amendment of section 33C.—In sub-section (1) of section 33C of the principal Act, for the word, figure and letter "Chapter VA", the words, figures and letters "Chapter VA or Chapter VB" shall be substituted.

5. Amendment of section 38.—In sub-section (5) of section 38 of the principal Act, for the words "two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following", the words "two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

Simla-2, the 29th June, 1976

No. LLR-E(9) 12/76.—The Indian Lighthouse (Amendment) Act, 1976 (37 of 1976) recently passed by Parliament which has already been published in the Gazette of India,

Extraordinary, Part II, Section 1, is hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public.

M. C. PADAM,
Under Secretary (Judicial).

Assented to on 20-3-1976.

THE INDIAN LIGHTHOUSE (AMENDMENT) ACT, 1976

(ACT No. 37 OF 1976)

AN

ACT

to further amend the Indian Lighthouse Act, 1927.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Indian Lighthouse (Amendment) Act, 1976.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 1.—In section 1 of the Indian Lighthouse Act, 1927 (17 of 1927) (hereinafter referred to as the principal Act), in sub-section (1), the word "Indian" shall be omitted.

3. Substitution of the words "proper officer" for the word Customs-collector.—Throughout the principal Act, for the expression "Customs-collector", wherever it occurs, the expression "proper officer" shall be substituted.

4. Amendment of section 2.—In section 2 of the principal Act,—

(i) clause (a) shall be omitted;

(ii) in clause (h), the word "and" occurring at the end shall be omitted;

(iii) after clause (h), the following clause shall be inserted, namely:—

"(hh) "proper officer", in relation to any functions to be performed under this Act, means the officer of Customs who is assigned those functions by the Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963 (54 of 1963), and includes any person appointed by the Central Government to discharge the functions of a proper officer under this Act;"

(iv) in clause (i), for the words and figures "Indian Merchant Shipping Act, 1923 (21 of 1923)", the words and figures "Merchant Shipping Act, 1958 (44 of 1958)" shall be substituted.

5. Amendment of section 10.—In sub-section (1) of section 10 of the principal Act, for the words "fifty naye paise per ton", the words "one rupee and fifty paise per ton" shall be substituted.

6. Amendment of section 12.—In section 12 of the principal Act,—

- (i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) For the purpose of the levy of light-dues, a ship's tonnage shall be reckoned as under the Merchant Shipping Act, 1958 (44 of 1958), for dues payable on a ship's tonnage.”;

- (ii) in sub-section (2), for clause (a), the following clause shall be substituted, namely:—

“(a) if the ship is registered under any law for the time being in force in India or under the law of any country, other than India, being a country the ships of which are recognised or accepted by the Central Government to be of the tonnage denoted in their certificates of registry or other national papers under any order made under any enactment repealed by sub-section (1) of section 461 of the Merchant Shipping Act, 1958 (44 of 1958) and continued in force under clause (a) of sub-section (3) of that section or under any rule made under clause (b) of sub-section (2) of section 74 of the said Act (any such ship being hereafter in this section referred to as registered ship), require the owner or master or other person having possession of the ship's register or other papers denoting her tonnage to produce the same for inspection and, if such owner, master or other person refuses or neglects to produce the register or papers, as the case may be, or otherwise to satisfy the proper officer as to the tonnage of the ship, cause the ship to be measured and the tonnage to be ascertained; or”.

7. *Insertion of new section 19A.*—After section 19 of the principal Act and before the heading “ACCOUNTS”, the following section shall be inserted, namely:—

“19A. *Fees.*—Fees may be charged for providing assistance to ships for calibrating their Wireless Direction Finders and for rendering other services to vessels, at such rates as the Central Government may specify in the rules made under this Act.”.

8. *Omission of section 20A.*—Section 20A of the principal Act and the heading “DELEGATION OF POWERS” occurring before that section shall be omitted.

9. *Amendment of section 21.*—In section 21 of the principal Act,—

- (i) in sub-section (1), for the words “may make rules”, the words “may, by notification in the Official Gazette, make rules” shall be substituted;—

- (ii) in sub-section (2),—

- (a) in clause (c), the word “and” occurring at the end shall be omitted;

- (b) after clause (c), the following clause shall be inserted, namely:—

“(cc) the rates of fees for providing assistance to ships for calibrating their Wireless Direction Finders and, for rendering other services to vessels;”;

- (c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.”.

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनुपूरक

शून्य

PART I

PUBLIC WORKS DEPARTMENT CORRIGENDUM

Simla-171002, the 3rd August, 1976

No. 9-17/73-PW(B).—Substitute the word “pondage” for the “pondeer” in this Department's notification of even number, dated the 6th July, 1976 issued under

section IV of the Land Acquisition Act, 1894 for the work namely for pondage of Giri Nagar Head Works.

By order,

B. C. NEGI,

Commissioner-cum-Secretary.

PART II

कार्यालय जिलाधीन मिरमोर मण्डल, नाहन

अधिसूचनाएं

नाहन-173001, 29 जुलाई, 1976

सह्या 2-पुस0 एम0 आर-1(152)/73.—जैसा कि ग्राम पंचायत पावटा, विकास खण्ड पावटा में निम्नलिखित सारणी के

स्तम्भ 3 में दर्शाए गए निर्वाचन क्षेत्र (वार्ड) से एक पंच का पद रिक्त हुआ;

और जैसा कि उपरोक्त पंचायत में पंच पद के लिए जो निर्वाचन 20 जुलाई, 1976 को कराया गया, उसके अनुसार सारणी के स्तम्भ 4 में वर्णित पंच को निर्वाचित घोषित किया गया:—

सारणी

क्रम	ग्राम	निर्वाचन क्षेत्र	निर्वाचित सदस्य का नाम तथा घर का पता	अनुसूचित जाति/जनजाति	पुरुष/स्त्री
1	2	3	4	5	6
1	पावटा	4	श्री फजल दीन पुत्र श्री नन्दा, ग्राम अमरकोट, डाकखाना निहालगढ़, तहसील पावटा, जिला सिरमौर।	—	पुरुष

अतः मैं, डी० पी० सिंह, जिलाधीश सिरमौर मण्डल, नाहन, हिमाचल प्रदेश ग्राम पंचायत (निर्वाचन) नियम, 1972 के नियम 45 के अधीन स्तम्भ 4 में वर्णित पंच के नाम को जनसाधारण की जानकारी हेतु अधिसूचित करता हूँ।

नाहन-173001, 29 जुलाई, 1976

संख्या 7-एस० एम० आर-1(152)/73.—जैसा कि ग्राम पंचायत भानत, विकास खण्ड पच्छाद म प्रधान का पद रिक्त हुआ था;

और जैसा कि उपरोक्त पंचायत में प्रधान पद के लिए 13 जुलाई, 1976 को उप-निर्वाचन कराया गया तथा जिसके परिणाम-स्वरूप निम्नलिखित सारणी के चौथे स्तम्भ में वर्णित प्रधान निर्वाचित हुआ—

सारणी

क्रम	संख्या	विकास खण्ड का नाम	ग्राम पंचायत का नाम	निर्वाचित प्रधान का नाम तथा पता
1	2	3	4	
1	पच्छाद	भानत	श्री मेला राम पुत्र श्री बस्ती राम, ग्राम सेर मनोम, डाक-खाना शायलबरोन, उप-तहसील राजगढ़, जिला सिरमौर।	

अतः मैं, डी० पी० सिंह, जिलाधीश सिरमौर मण्डल, नाहन, उपरोक्त निर्वाचित प्रधान के नाम को हिमाचल प्रदेश ग्राम पंचायत (निर्वाचन) नियम, 1972 के नियम 50 के अधीन जनसाधारण की जानकारी हेतु अधिसूचित करता हूँ।

डी० पी० सिंह,
जिलाधीश सिरमौर मण्डल, नाहन।

LÖK NIRMAN VIBHAG

NOTIFICATION

Dharamsala, the 26th July, 1976

No. SEV-LA-Dh-26/73.I/WSIII.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for the construction of Sidhbari-Mataur road km.5/0 to 11/0 in Tehsil and District Kangra Himachal Pradesh. It is hereby declared that the land described in the specification below is required for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department, is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Kangra and in the office of the Executive Engineer Dharamsala Division, H. P. P.W.D., Dharamsala.

SPECIFICATION

District: KANGRA

Tehsil: KANGRA

Sl.No.	Mahal	Khasra No.	Area
1	2	3	Hr. R. S.
1. HARNAR		2/1	0 06 24
		71/1	0 00 20
		106/1	0 06 50
		95/1	0 00 11
		94/1	0 01 36
		92/1	0 00 71
		93/1	0 03 52
		Total	0 18 64
2. MATT		206/1	0 03 68
		205/1	0 01 52
		204/1	0 01 27
		203/1	0 01 98
		198/1	0 02 32
		197/1	0 00 49
		164	0 04 16
		221/1	0 00 30
		213/1	0 00 12
		214/1	0 00 59
		215/1	0 02 45
		216	0 00 47
		217	0 00 28
		218/1	0 05 62

1	2	3	4	1	2	3	4
		223	0 00 84			58/1	0 02 28
		225/1	0 01 39			61/1	0 02 32
		228	0 00 62			62/1	0 06 34
		229/1	0 00 60			81/1	0 01 64
		230/1	0 03 06			85/1	0 00 84
		231/1	0 05 38			86/1	0 01 05
		247/1	0 00 18			88/1	0 00 03
		152	0 01 38			89/1	0 02 96
		151	0 00 92			90/1	0 02 32
		253/1	0 03 40			94/1	0 00 12
		255/1	0 00 03			95/1	0 00 45
		256/1	0 04 20			121/1	0 01 96
		257/1	0 03 70			122/1	0 00 28
		266/1	0 02 77			311/1	0 00 20
		268/1	0 01 00			314/1	0 00 39
		270/1	0 00 04			316/1	0 00 04
		272/1	0 00 92			317/1	0 01 30
		271	0 00 83			330	0 04 32
		267	0 09 88			318/1	0 00 18
		134/1	0 00 78			319/1	0 00 04
		135/1	0 04 65			320/1	0 00 16
		Total	0 71 82			321/1	0 00 02
						324/1	0 00 72
						329/1	0 00 46
3. MASHREHAR	34/1		0 00 18			331/1	0 00 08
	36/1		0 02 12			332/1	0 00 08
	37		0 05 42			333/1	0 00 04
	38		0 01 37			334/1	0 00 32
	45/1		0 02 10			335/1	0 00 20
	46/1		0 00 98			336/1	0 00 46
	251		0 00 38			384/1	0 02 28
	252		0 00 72			394/1	0 00 18
	265		0 00 44			395	0 19 68
	266		0 00 75			411	0 05 08
	267		0 00 38			396/1	0 00 72
	281/1		0 00 01			397/1	0 00 26
	282/1		0 00 40			398/1	0 00 14
	284/1		0 00 38			400/1	0 00 30
	329/1		0 00 50			404/1	0 00 10
	340/1		0 00 16			405/1	0 00 18
	343		0 01 74			408/1	0 00 26
	341/1		0 00 06			409/1	0 00 16
	342/1		0 00 09			410/1	0 00 16
	344/1		0 00 12			412/1	0 00 30
	345/1		0 00 35			413/1	0 00 32
	346		0 00 21			414/1	0 00 06
	347/1		0 00 22			415/1	0 00 04
	364		0 01 04			417/1	0 00 50
	39/1		0 00 09			418/1	0 00 96
	363/1		0 00 19			419/1	0 00 22
	365/1		0 00 68			420/1	0 01 47
	366		0 05 17			421	0 00 39
	367		0 00 20			422	0 00 20
	369/1		0 00 66			423	0 15 43
	414		0 01 95			424	0 01 56
	416		0 00 24			80/1	0 00 00
	417		0 01 90				
	Total		0 31 20			Total	1 07 99
4. JASYAL	84/1		0 05 40	5. MANDLI	832/1		0 00 18
	60		0 01 52		833/1		0 01 08
	59		0 01 54		803/1		0 00 06
	82		0 07 68		793/1		0 00 44
	52/1		0 02 24		767/1		0 00 06
	53/1		0 00 08		766/1		0 00 22
	54/1		0 04 88		753/1		0 00 03
	55/1		0 00 56		741/1		0 07 38
	57/1		0 01 56		743		0 36 35

1	2	3	4
		835/1	0 07 74
		694/1	0 00 45
		Total	0 54 34
6. UPPRLI-BHADWAL.		481/1	0 00 33
		505/1	0 00 31
		528/1	0 00 89
		539/1	0 00 45
		542/1	0 00 64
		549/1/1	0 00 16
		550/1	0 00 30
		551/1	0 00 02
		552/1	0 00 08
		555/1	0 00 08
		590/1	0 03 26
		586/1	0 00 78
		591	0 00 49
		592	0 00 85
		593	0 07 68
		594	0 02 43
		595	0 01 24
		605/1	0 01 52
		603/1	0 01 06
		602/1	0 00 10
		601/1	0 00 46
		600/1	0 00 30
		596	0 00 44
		597	0 00 32
		598	0 00 14
		591	0 00 44
		566/1	0 00 04
		623/1	0 00 06
		624	0 00 16
		625	0 00 12
		627	0 00 34
		628/1	0 00 20
		630/1	0 00 44
		638/1	0 00 26
		642/1	0 00 28
		643/1	0 00 39
		646/1	0 01 17
		648/1	0 01 35
		650/1	0 00 88
		647	0 03 28
		585/1	0 00 38
		584/1	0 00 24
		583/1	0 01 04
		582/1	0 00 12
		Total	0 35 67
7. BHULLI-BHADWAL.		429/1	0 10 70
		420	0 02 06
		419	0 13 67
		428/1	0 00 71
		427/1	0 00 09
		425/1/1	0 00 05
		426/1	0 00 22
		422/1	0 00 94
		458/1	0 01 24
		449/1	0 00 06
		418	0 02 28
		462/1	0 00 88
		463/1	0 00 26
		464/1	0 00 01
		465	0 01 14
		466	0 01 64

1	2	3	4
		467	0 08 10
		468	0 01 91
		505/1	0 03 16
		500/1	0 01 48
		499/1	0 00 04
		498/1	0 00 22
		497/1	0 00 26
		496/1	0 00 30
		494/1	0 00 28
		493/1	0 00 10
		492	0 06 36
		491/1	0 00 55
		490/1	0 01 42
		485/1	0 00 06
		484/1	0 02 00
		479/1	0 00 03
		478/1	0 01 08
		477/1	0 01 38
		476/1	0 01 27
		469/1	0 00 98
		416/1	0 00 38
		416/1/1	0 00 45
		417/1	0 00 77
		Total	0 68 53
8. MATAUR		327	0 10 23
		334	0 06 34
		331/1	0 00 10
		332/1	0 00 64
		328/1	0 02 61
		329/1	0 00 03
		337/1	0 00 20
		326/1	0 00 38
		324/1	0 00 16
		323/1	0 00 12
		854	0 06 53
		855/1	0 00 32
		863/1	0 00 08
		965/1	0 00 08
		867/1	0 00 48
		868/1	0 00 16
		313/1	0 00 96
		312/1	0 00 96
		311/1	0 03 42
		310/1	0 00 80
		309/1	0 00 42
		308/1	0 01 02
		297/1	0 00 21
		295/1	0 00 90
		296/1	0 04 00
		294/1	0 05 47
		293/1	0 03 92
		286	0 03 16
		287	0 15 51
		288/1	0 03 14
		289/1	0 01 40
		290/1	0 01 20
		292/1	0 04 37
		977/1	0 00 04
		976/1	0 00 04
		873/1	0 00 14
		Total	0 79 54
		Grand Total	4 67 73

R. C. KALIA,
Superintending Engineer,
5th Circle, H. P. P. W. D., Dharamsala.

